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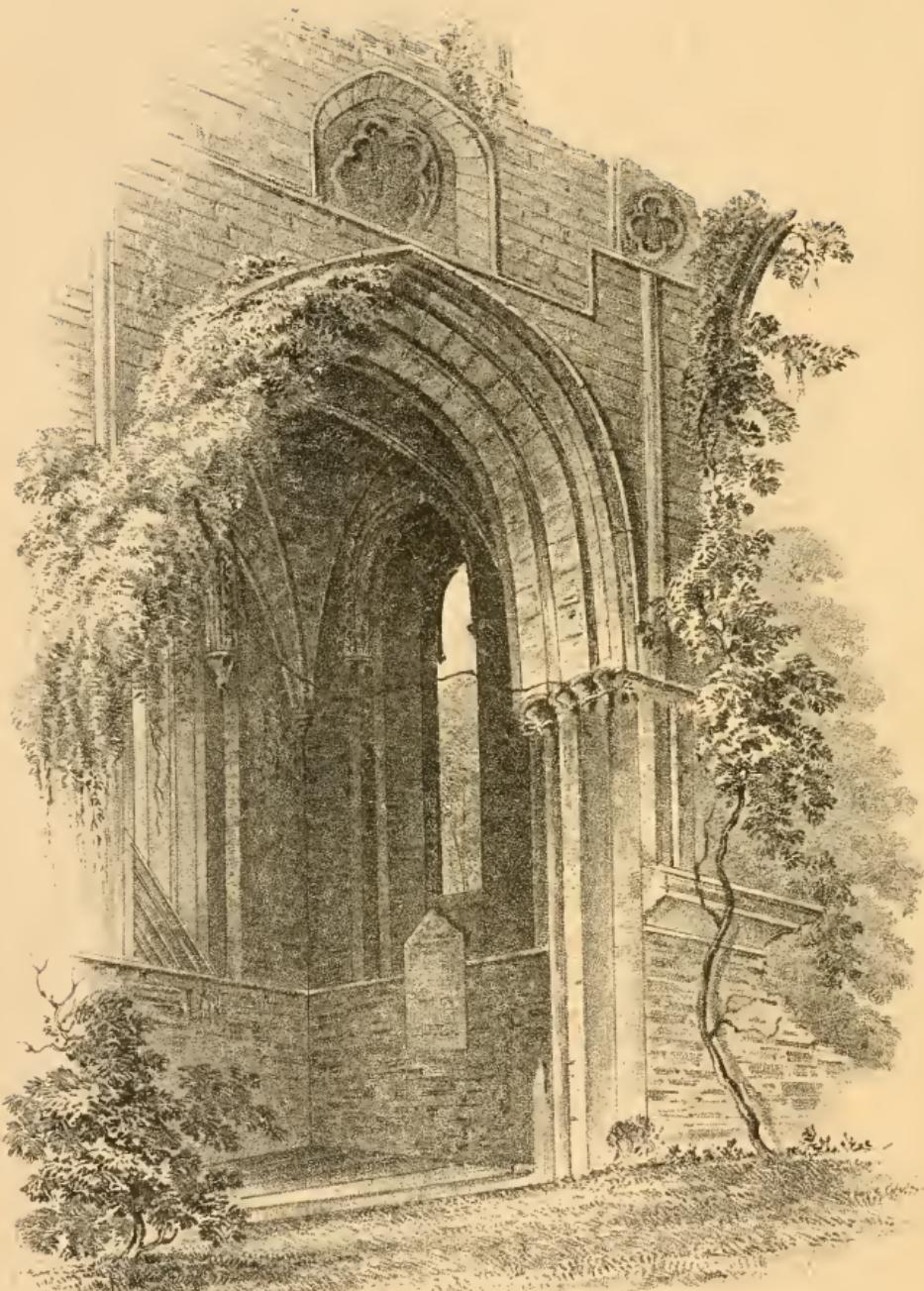


GENEALOGICAL MEMOIRS

OF THE FAMILY OF

SIR WALTER SCOTT, BART.

ETC., ETC.



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BURIAL AISLE
OF SIR WALTER SCOTT AND OF HIS ANCESTORS, THE HALIBURTONS.
IN THE ABBEY OF DRYBURGH.

GENEALOGICAL MEMOIRS
OF THE
FAMILY OF
SIR WALTER SCOTT, BART.
OF ABBOTSFORD

MEMORIALS OF THE HALIBURTONS

BY THE

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GENEALOGICAL SOCIETY OF NEW ENGLAND

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P R E F A C E.

SIR WALTER SCOTT was ambitious of establishing a family which might perpetuate his name, in connection with that interesting spot on the banks of the Tweed which he had reclaimed and adorned. To be “founder of a distinct branch of the House of Scott,” was, according to Mr Lockhart, “his first and last worldly ambition.” “He desired,” continues his biographer, “to plant a lasting root, and dreamt not of present fame, but of long distant generations rejoicing in the name of Scott of Abbotsford. By this idea, all his reveries, all his aspirations, all his plans and efforts, were shadowed and controlled. The great object and end only rose into clearer daylight, and swelled into more substantial dimensions, as public applause strengthened his confidence in his own powers and faculties; and when he had reached the summit of universal and unrivalled honour, he clung to his first love with the faith of a Paladin.”

More clearly to appreciate why Sir Walter Scott was so powerfully influenced by the desire of founding a family, it

is necessary to be acquainted with his relations to those who preceded him. Seldom has man of letters possessed a pedigree so dignified and honourable. On all sides, his progenitors were of the better class, and scions of houses territorially pre-eminent. Of his immediate ancestors some had occupied less conspicuous spheres, but all maintained gentle rank. Dwelling on the memory of his sires, and conceiving through the medium of a powerful fancy the importance of territorial rank, it was not unnatural that he should anticipate for his descendants a portion of that baronial splendour which, in relation to his predecessors, he had depicted so graphically.

It may not be asserted that in his aspirations the Author of "*Waverley*" has failed. By forming alliances with the ancient and honourable families of Lockhart, Hope, and Maxwell, and other distinguished septs, his descendants have increased their hereditary greatness. And amidst several changes in the succession the name of Scott of Abbotsford has been preserved, as it will doubtless continue to be, so long as the works of the founder are read, which will probably be as long as the English language is understood.

Sir Walter Scott especially rejoiced in being the representative of the House of Haliburton of Newmains. With the great sept of Scott he was connected through a younger branch; but in right of his mother, he was heir of the Haliburtons, and though their lands were sold, their place of sepulture in Dryburgh Abbey remained as at least one spot which he could claim as an inheritance. To his grand-

uncle, the last owner of the lands of Newmains and Dryburgh, he was served heir by a jury, so that his representation of the family might be made legally secure.

The “Memorials of the Haliburtons,” a portion of the present volume, appeared under Sir Walter’s editorship, in 1820, from the press of James Ballantyne & Co., in a thin quarto of sixty-seven pages. The impression, restricted to thirty copies, was intended for private circulation. In 1824, when Sir Walter began more systematically to inquire into the history of his ancestors, he printed thirty additional copies, accompanied by a preliminary notice, dated November of that year. Only a single copy of the second impression has been found; it was presented by Sir Walter to Mr David Laing, the eminent antiquary, on account of his former copy having lacked a title-page. Both impressions of the “Memorials” were accompanied by an engraving of the Haliburton aisle at Dryburgh, from a sketch by Mr Skene of Rubislaw. That engraving has been reproduced as a frontispiece to the present volume. It represents the tombstone of John Haliburton, Baron of Mertoun, who died in 1640. The aisle now contains the monumental sarcophagus of the greatest of the race, not a Haliburton, but a Scott—the immortal Author of “Waverley.”

In preparing these genealogical memoirs, I have to express my special obligations to Lord Henry Kerr; to Mrs Maxwell Scott of Abbotsford, great-granddaughter of the illustrious novelist; to Miss Anne Rutherford Scott, his niece; and to Robert Scott, Esq. of Raeburn, his near kinsman. For many

particulars respecting the novelist's maternal ancestors, I have been indebted to Daniel Rutherford Haldane, Esq., M.D., Edinburgh; the Rev. William Keith, vicar of Burham; the Rev. James Russell, minister of Yarrow; and to an accomplished gentlewoman, whom I am not privileged to name. To William John O'Donnovan, Esq., LL.D., the eminent genealogist, I owe many important particulars respecting the families of Haliburton and Rutherford. On the whole, I am satisfied that the reader has no cause to be disappointed respecting either the copiousness or accuracy of my details.

CHARLES ROGERS.

GRAMPIAN LODGE,
FOREST HILL, SURREY,
February 1877.

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GENEALOGICAL MEMOIRS,

ETC., ETC.

In the tenth century a branch of the Scots, a Galwegian clan, settled in the county of Peebles. *Uchtredus, filius Scotti*, witnessed an inquisition respecting the possessions of the church of Glasgow, in the reign of Alexander I. He witnessed, in 1128, the foundation charter by David I. of the Abbey of Holyrood, and that of the Abbey of Selkirk in 1130. But the early pedigree of the House of Scott may be stated succinctly in the words of Sir Walter Scott. From a genealogical MS. in Sir Walter's handwriting, preserved by Lord Polwarth, we quote the following:

“I. Uchtred Fitz-Scott, or *Filius Scott*, who flourished at the court of King David I., and was witness to two charters granted by him to the Abbeys of Holyroodhouse and Selkirk, dated in the years 1128 and 1130. It is, however, believed that from the days of Kenneth III. the barony of Scotstoun, in Peeblesshire, had been possessed by the ancestors of this Uchtred, who, being descended from Galwegian forefathers, were called Scots, Galloway being inhabited by the clan to whom that name properly belonged.

“II. Richard Scott, son of Uchtred, witnessed a charter

granted by the Bishop of St Andrews to the Abbey of Holyroodhouse about the year 1158.

“ III. Richard Scott, son of Richard, who married Alicia, daughter of Henry de Molla, with whom he received lands in Roxburghshire, in the reign of Alexander the Second.

“ IV. William Scott, son of Richard, attended the court of Alexander the Second, and witnessed several of his charters.

“ V. Sir Richard Scott, son of William, married the daughter and heiress of Murthockstone of that ilk, in the county of Lanark, by which marriage he acquired the property of Murthockstone, now called Murdieston. He then assumed into his arms ‘the bend of Murdiestoun,’ and disposed thereon his own paternal crescents and star.* He swore fealty to Edward I. in 1296, and died in 1320.

“ VI. Sir Michael Scott of Murthockstone, son of Sir Richard and the heiress of Murthockstone, was a gallant warrior, who distinguished himself at the battle of Halidon Hill, 19th July 1333. He was one of the few who escaped the carnage of that disastrous day; but he was slain in the unfortunate battle of Durham, thirteen years after.”

According to Sir Walter Scott, Sir Michael Scott of Murthockstone had two sons, the elder of whom carried on the family. John, the younger son, was ancestor of the Scotts of Harden. Robert Scott, elder son of Sir Michael Scott, died before the 7th December 1389; his grandson, Robert Scott, obtained, in 1420, the half-lands of Branxholm, and died in 1426. From James II. Sir Walter, the elder son of Robert Scott, received extensive lands in acknowledgment of his

* “ An aged knight to danger steeled,
With many a moss-trooper, came on;
And azure in a golden field,
The stars and crescent graced his shield
Without the bend of Murdieston.”

—*Lay of the Last Minstrel.*

services in suppressing the rebellion of the Douglases in 1455. His elder son, Sir David Scott of Branxholm, sat in the Parliament of 1487, as “dominus de Buccleugh;” he died in March 1492. He enlarged and fortified Branxholm Castle, which Sir Walter Scott has portrayed so vividly in the “Lay of the Last Minstrel.”

In his estates, Sir David Scott of Branxholm was, in 1492, succeeded by his grandson, Sir Walter, who was present at the battle of Flodden, and died in 1516, leaving two sons, of whom Sir Walter, the elder, succeeded to the family estates. Sir Walter Scott of Branxholm and Buccleuch was warden of the west marches; he attained celebrity for a daring though abortive attempt to rescue James V. from the control of the Earl of Angus and the House of Douglas, and which is celebrated in the “Lay of the Last Minstrel.” He fought at the battle of Pinkie in 1547. In October 1552 he was slain in an encounter with Sir Walter Ker of Cessford and his followers, in the High Street of Edinburgh. His widow, Janet Bethune, daughter of the laird of Creich, a woman of undaunted spirit, riding at the head of his clan, sought to avenge his death.

Sir Walter Scott of Branxholm and Buccleuch was, in 1553, succeeded by his grandson, who bore the same Christian name. In 1567 he joined the association in favour of James VI., but afterwards supported Queen Mary. His castle of Branxholm was destroyed by order of Queen Elizabeth, in reprisal of depredations which he had committed on the English border. He died in April 1574. His son and heir, Walter Scott of Branxholm, was in 1590 knighted by James VI., and was appointed warden of the west marches. He carried on a predatory warfare against the English, and obtained renown for the daring exploit of rescuing Kinmont

Will, one of his dependants, from Carlisle Castle, in April 1596. The adventure has been celebrated in the ballad of "Kinkmont Willie," in the "Minstrelsy of the Scottish Border." When peace was concluded between the kingdoms, Sir Walter Scott of Branxholm became a hostage in England. According to a family tradition, he was brought before Queen Elizabeth, who at first upbraided him, but afterwards complimented him on his valour. He afterwards fought bravely under Maurice, Prince of Orange, and on account of his military services, was, on the 16th March, created Lord Scott of Buccleuch. He died in 1611. His only son Walter was, on the 16th March 1619, advanced to the earldom of Buccleuch; he commanded a regiment against the Spaniards under the States of Holland, and died in 1633. Francis, his only son, second Earl of Buccleuch, obtained the Dalkeith estates. A zealous royalist, he was fined by Cromwell £15,000 sterling; he died in 1651, in his twenty-fifth year. Of his two daughters, Mary and Anne, the elder married Walter Scott, of the House of Harden, who was created Earl of Tarras; she died in 1662, without issue.

Anne, Countess of Buccleuch, second daughter of the second earl, was in her twelfth year married, in 1663, to the Duke of Monmouth, when they were created Duke and Duchess of Buccleuch. The duke's honours were forfeited on his execution in July 1673, but those of the Duchess were unaffected by the attainder. She married, secondly, Charles, Lord Cornwallis. As Monmouth's widow she claimed royal rank, and, sitting under a canopy, was served by pages on their knees; and while exercising a splendid hospitality, insisted that her guests should stand in her presence. She died in February 1732. In her title and estates she was

succeeded by her grandson, Francis, second Duke of Buccleuch. When Prince Charles Edward approached Edinburgh in 1745, the duke sent his tenantry to aid in defending the city. He died in April 1751.

Henry, third Duke of Buccleuch, born in 1746, succeeded his grandfather, the second duke. He devoted himself to agricultural concerns, but will be chiefly remembered as a patron of Sir Walter Scott. To his influence the poet was indebted for the office of Sheriff of Selkirkshire, and his principal clerkship in the Court of Session. On the death of the Duke of Queensberry without issue, in December 1810, he succeeded to that dukedom, and to large estates in Dumfriesshire. He died in January 1811. His eldest son, Charles William Henry, succeeded as fourth Duke of Buccleuch. He was an attached friend of Sir Walter Scott, whom he helped in his pecuniary difficulties ; he also bestowed on the poet James Hogg the farm of Altrive in Yarrow, without rent. He died on the 20th April 1819.

Walter Francis Montagu Douglas Scott, fifth Duke of Buccleuch, and seventh Duke of Queensberry, was born on the 25th November 1806. He married, 13th August 1829, Lady Charlotte Thynne, youngest daughter of the second Marquis of Bath, by whom he has four sons and three daughters. William Henry Walter, Earl of Dalkeith, the eldest son, born 9th September 1831, married, 22d November 1859, Louisa, third daughter of the Marquis of Abercorn, with issue ; he is M.P. for Midlothian.

John, younger son of Sir Michael Scott of Murthockstone, who fell at the battle of Durham on the 16th October 1346, was ancestor of the Scotts of Harden. A lineal descendant in the fourth generation, was William Scott, who, in 1535,

obtained the estate of Harden, Roxburghshire, from his brother, Walter Scott of Synton, in the same county; he died in 1563. The son of this person was Walter Scott, celebrated in Border ballad as "Auld Wat of Harden." A renowned freebooter, he concealed his spoil in a deep glen, on the margin of which stood his castle of Harden. Its locality and the prowess of its owner are, by the poet Leyden, in his "Scenes of Infancy," described thus:

"Where Bortha hoarse, that loads the meads with sand,
Rolls her red tide to Teviot's western strand,
Through slaty hills, whose sides are shagged with thorn,
Where springs, in shattered tufts, the dark-green corn,
Towers wood-girt Harden, far above the vale,
And clouds of ravens o'er the turrets sail.
A hardy race, who never shrunk from war;
The *Scott*, to rival realms a mighty bar,
Here fixed his mountain home, a wide domain,
And rich the soil, had purple heath been grain :
But what the niggard ground of wealth denied,
From fields more blessed his fearless arm supplied."

When the last bullock was cooked, a clean pair of spurs, placed before him in a dish, was a signal to Wat of Harden by his wife, that his troopers should proceed on another foray to English pastures.

The first wife of Wat of Harden was Mary Scott, who in Border song is celebrated as the "Flower of Yarrow." She was daughter of Philip Scott of Dryhope, in Yarrow, and the ruins of whose tower may still be seen near the lower extremity of St Mary's Lake. In his daughter's marriage-contract, he became bound to supply her husband in meat, for man and horse, at Dryhope Tower, for a year and a day, while five barons pledged their bond that at the expiry of that period Harden would remove. To

his father-in-law, Harden promised the profits of the first Michaelmas moon. By the “Flower of Yarrow” he had four sons and six daughters; he married, secondly, a daughter of Edgar of Wedderlie, by whom he had two sons and a daughter; he died about the year 1629, at an advanced age.

To the gratitude of an English captive, a beautiful child, whom she rescued from her husband’s moss-troopers, the “Flower of Yarrow” owes her celebrity. Under her protection the youth grew up, and he composed, it is believed, the best songs of the Border. His skill and worth are celebrated by Leyden in these lines :

“ His are the strains whose wandering echoes thrill
The shepherd lingering on the twilight hill,
When evening brings the merry folding hours,
And sun-eyed daisies close their winking flowers.
He loved o’er Yarrow’s Flower to shed the tear,
To strew the holly leaves o’er Harden’s bier;
But none was found above the minstrel’s tomb,
Emblems of peace, to bid the daisy bloom;
He, nameless as the race from which he sprung,
Saved other names and left his own unsung.”

Sir William Scott of Harden, eldest son of “Auld Wat of Harden,” was knighted by James VI. in his father’s lifetime; he obtained charters to various lands in the south-eastern counties, and in 1647 was appointed Sheriff of Selkirkshire. For his attachment to the royal family he was, in 1654, fined by Cromwell in the sum of £3000 sterling. He died in 1655 at an advanced age. His marriage with Agnes Murray, daughter of Sir Gideon Murray of Elibank, treasurer-depute of Scotland, was arranged in a singular fashion. In his youth having attempted a foray on Sir Gideon’s lands of Elibank, he was overpowered by that baron’s retainers, and carried a prisoner to his castle. The story is continued in the words of Sir Walter Scott:

"The Lady Murray (agreeably to the custom of all ladies in ancient tales) was seated on the battlements, and descried the return of her husband with his prisoner. She immediately inquired what he meant to do with the young knight of Harden. 'Hang the robber, assuredly,' was the answer of Sir Gideon. 'What!' answered the lady, 'hang the handsome young knight of Harden, when I have three ill-favoured daughters unmarried? No, no, Sir Gideon; we'll force him to marry our Meg.' Now tradition says that Meg Murray was the ugliest woman in the four counties, and that she was called, in the homely dialect of the time, 'Meikle-mouthed Meg.' Sir Gideon, like a good husband and tender father, entered into his wife's sentiments, and proffered to Sir William the alternative of becoming his son-in-law, or decorating with his carcase the *kindly* gallows of Elibank. The lady was so very ugly, that Sir William, the handsomest man of his time, positively refused the honour of her hand. Three days were allowed him to make up his mind, and it was not until he found an end of the rope made fast to his neck, and the other knotted to a sturdy oak bough, that his resolution gave way, and he preferred an ugly wife to the literal noose. It is said they were afterwards a very happy couple." Referring to Sir Walter Scott's relation of the story, Mr Lockhart remarks that the descendants of Meg of Elibank "inherited something of her characteristic feature," and that "the poet himself was no exception to the rule."

By his wife Agnes Murray, Sir William Scott of Harden had five sons. William, the eldest son, was knighted by Charles II. immediately after the Restoration. His son, Sir William Scott of Harden, was a zealous Presbyterian. Having joined the Earl of Argyle, he was, by order of the Privy

Council, confined in the prison of Edinburgh; while on the 15th November 1683, he was subjected to a penalty of £1500 sterling, on account of his wife having withdrawn from the parish church. The penalty was in reward of service bestowed by Charles II. on Sir George Mackenzie, the celebrated King's Advocate.* Sir William Scott died in 1707, and was succeeded by his only brother, Robert Scott of Iliston. Robert Scott died without issue in 1710, when the estate devolved on the nearest heir-male, Walter Scott, descended from Sir Gideon Scott of Highchester, second son of the first Sir William of Harden, and grandson of "Auld Wat." Sir Gideon, who was Sheriff of Roxburghshire, married Margaret, daughter of Sir Thomas Hamilton of Preston, by whom he had two sons. Walter, the elder son, married, in his fourteenth year, Mary, Countess of Buccleuch, a child of eleven years; he was consequently created Earl of Tarras, but for life only. The countess died two years after her marriage; the earl succeeded to Harden in 1672, and died in 1693. Having joined the Duke of Monmouth, he was attainted and condemned for high treason, but his life was spared, and his honours and lands were restored to him. By his second wife, Helen, daughter of Thomas Hepburne of Humbie, he had three sons. His grandson, Walter Scott, M.P. for Roxburghshire from 1747 to 1765, married Lady Diana Hume Campbell, daughter of the third Earl of Marchmont and Baron Polwarth. The only son of this marriage, Hugh Scott of Harden, succeeded, in 1835, in establishing his right to the title of Lord Polwarth. His elder son, Walter Hugh Scott, succeeded him in 1867 as

* Crookshank's History of the Church of Scotland, vol. ii., pp. 222, 225, 286.

fifth Baron Polwarth. His lordship is chief of the clan Scott.

The third son of Sir William Scott of Harden, by his wife, Agnes Murray, was Walter Scott of Raeburn. A Biblical student, he read the Old Testament Scriptures in the original tongue. He and his wife Isobel, a daughter of William Makdougal of Makerstoun, embraced the doctrines of the Quakers, and were consequently, at the instance of their relatives, subjected to severe and bitter persecution. A petition was, in June 1665, presented to the Privy Council by Sir William Scott of Harden, praying that his brother of Raeburn's three children might be removed from his keeping, on account of his obnoxious opinions. The petition, which was approved by the laird of Makerstoun, Raeburn's brother-in-law, was entertained by the Lords of the Privy Council, who enjoined the removal of the children; they subsequently incarcerated Raeburn, first in the Tolbooth of Edinburgh, and afterwards in the prison of Jedburgh. From Mr Scott of Raeburn we are favoured with the following excerpts from the Privy Council minutes, relative to this affair:

“APUD EDIN., *vigesimo Junii, 1665.*

“The Lords of His Maj. Privey Council having received injunction that Walter Scott of Raeburn and Isobel Makdougal, his wife, being infected with the errors of quakerism, doe endeavour to breid and traine up William Scott, Walter Scott, and Christian Scott, their children, in the same profession, do yrfor give order and command to Sir W^m. Scott of Harden, the said Raeburn's brother, to seperate and take away the said children from the custody and society of the said parents, and to cause educate and bring them up in his owne house, or any other convenient place, and ordaine letters to be direct at the said Sir William's instance against

Raeburn for a maintainance to the said children, and that the said Sir William give an account of his diligence with all conveniency."

"EDIN., 5th July 1666.

"Anent a petition presented be Sir W^m. Scott of Harden for himself, and in name and behalf of the three children of Walter Scott of Raeburn, his brother, showing that the Lords of Councill, by an act of the 22d day of June 1665, did grant power and warrand to the Petitioner to seperate and take away Raeburn's children from his family and education, and to breid them in some convenient place where they may be free from all infection, in their younger years, from the principills of quakerism; and for the maintainance of the said children did ordaine letters to be direct against Raeburn, and seeing the Petitioner in obedience to the said order did take away the said children, being two sounes and a daughter, and after some paines taken upon them in his own family, he sent them to the city of Glasgow to be breid at schools, and there to be principled with the knowledge of the true religion; and that it is necessary the Councill determine what shall be the maintainance for which Raeburn's three children may be charged; as likewise, that Raeburn himself, being now a prisoner in the Tolbooth of Edin., where he daily converses with all the quakers who are prisoners there, and others who daily resort to them, whereby he is hardened in his pernicious opinions and principills without all hope of recovery, unless he be seperate from such pernicious company, humbly, therefore, desiring that the Councill might determine upon the soume of money to be paid by Raeburn for the education of his children to the Petitioner, who will be countable therefore; and that in order to his conversion the place of his imprisonment may be changed. The Lords of His Maj. Privey Councill having at length heard and considered the foresaid Petition, do modify the soume of two thousand pounds Scots, to be paid yearly at the term of Whytsunday

be the said Walter Scott of Raeburn, furth of his estate, to the Petitioner, for the entertainment and education of the said children, beginning the first term's payment thereof at Whytsunday last for the half-year preceding, and so furth yearly at the said term of Whytsunday in time coming, till furder order. And ordaine the said Walter Scott of Rae-burn to be transported from the Tolbooth of Edin^r. to the prison of Jedburgh, where his friends and others may have occasion to convert him; and to the effect he may be secured from the practice of other quakers, the Lords do hereby dis-charge the magistrates of Jedburgh to suffer any persons suspect of their principills to have access to him—and in case any contraveen, that they secure their persons till they be punished y^rfor; and ordain letters to be direct hereupon in form as effeirs."

Deprived of her husband's society, Raeburn's wife, when her children were snatched from her, "followed them from the house of Lessudden to Makerstoun, where, on being excluded from entering, she fell upon her knees and prayed that those who thus forcibly separated the child and parent might have no heir-male to succeed them, a petition which seems to have been granted, as the male line of both uncles became extinct." *

Under the care of the knight of Harden, William and Walter Scott, the sons of the laird of Raeburn, were thoroughly educated. William, the elder son, succeeded to Raeburn; he married Anna, eldest daughter of Sir John Scott, Bart. of Anerum, and died 6th August 1699; his widow married secondly, in 1702, John Scott of Synton. With a daughter, Isabel, married in 1711 to John Rutherford, M.D., he had a son, Walter, who succeeded to Raeburn.

* MS. in possession of Robert Scott, Esq. of Raeburn.

Walter Scott of Raeburn married, 19th November 1703, Anne, third daughter of Hugh Scott of Gala, by Isabella, his wife, daughter of Sir Thomas Ker of Cavers, and had by her one son, William, and two daughters, Isobel and Anne. In a field near Selkirk, still known as Raeburn's Meadow, he fell mortally wounded, on the 3d October 1707, by the hand of one of the Pringles of Crighton, with whom he had engaged in mortal combat. His widow married Henry Macdougal of Makerstoun, and afterwards Home of Eccles.

William Scott of Raeburn, born in 1704, married, in 1743, Jean Elliott, by whom he had a daughter, Anne, who married Thomas, second son of Robert Scott at Sandyknowe, and an only son, Walter, who succeeded to the family estate.

Walter Scott of Raeburn, married, in 1772, Jean, third daughter of Robert Scott at Sandyknowe, by whom he had five sons and a daughter, Barbara. Robert, the second son, born 6th November 1774, engaged in merchandise at Prince of Wales Island; he died at London, 5th September 1836. Hugh, third son, born 22d December 1777, was employed in the Marine Service of the East India Company; he latterly purchased the estate of Draycott, Derbyshire, where he established his residence. He married Sarah, only daughter of William Jessop, Esq. of Butterley Hall, Derbyshire; and died without issue, 13th January 1852.

Walter, the fourth son, died unmarried in 1802. John, the fifth son, born 18th March 1781, joined the Indian Army, and became major in the 8th regiment of Native Bengal Cavalry; he died unmarried on the 28th June 1832.

William Scott of Raeburn, eldest son of Walter Scott of Raeburn and his wife, Jean Scott, was born on the 6th July 1773. He succeeded his father in the lands of Raeburn, and

died on the 5th April 1855. He married, on the 25th May 1806, Susan, eldest daughter of Alexander Horsbrugh of Horsbrugh, Peeblesshire, by whom he had four sons and eight daughters. The daughters were—Violet, Jean, Susan, Elizabeth Barbara Haliburton, Charlotte, Mary, Sarah, and Anne Rutherford. Walter, the eldest son, born 18th September 1811, was drowned in H.M.S. "Acorn," in 1828; Alexander, the second son, born 19th October 1813, died 24th August 1843. William Hugh, fourth son, born 12th July 1822, obtained the estate of Draycott, Derbyshire, on the death of his uncle Hugh, in 1852. In 1863 he married Sarah, eldest daughter of Alfred Fellows, Esq. of Beeston House, Notts, by whom he has two sons, Hugh, born 9th June 1865, and Haliburton, born 31st May 1870, and two daughters, Susan Lilius and Cicely Violet.

Robert Scott, third son of William Scott of Raeburn, born 5th November 1817, succeeded his father in the estate of Raeburn in 1855. He married, 10th September 1861, Louisa, eldest daughter of William Campbell of Ederline, Argyleshire, by whom he has a son, Walter, born 11th September 1866, and four daughters, Matilda Wishart, Susan Horsbrugh, Louisa, and Violet Georgina Margaret.

Walter Scott, second son of the Quaker laird of Raeburn, was born about the year 1653. At the University of Edinburgh he contracted the friendship of the celebrated Dr Archibald Pitcairne; they were together members of a Jacobite club, in which the conversations were conducted in Latin. He was called "Beardie," from a vow he had made never to shave his beard till the exiled House of Stuart should obtain restoration. "It would have been well," wrote Sir Walter Scott, "that his zeal had stopped there. But he took arms and intrigued in their cause, until he lost all he had in the

world, and, as I have heard, ran a narrow risk of being hanged, had it not been for the interference of Anne, Duchess of Buccleuch and Monmouth." He married Jean, daughter of Campbell of Silvercraigs, connected with the House of Blythswood,* with whom he got a small fortune; he also derived a moderate revenue for managing his nephew's estate of Raeburn, and the estate of Makerstoun, belonging to his mother's family. Writing in 1807, while on a visit to Mertoun House, the residence of Hugh Scott of Harden, afterwards Lord Polwarth, Sir Walter Scott thus refers to his ancestor "Beardie" in the introduction to the sixth canto of "Marmion":

" My Christmas still I hold
Where my great-grandsire came of old,
With amber beard, and flaxen hair,
And reverend apostolic air—
The feast and holy-tide to share,
And mix sobriety with wine,
And honest mirth with thoughts divine:
Small thought was his, in after-time,
E'er to be hitched into a rhyme.
The simple sire could only boast,
That he was loyal to his cost;
The banished race of kings revered,
And lost his land—but kept his beard."

" Beardie" died at Kelso on the 3d November 1729. His remains were deposited in the Abbey of Kelso. In his religious devotedness he seems to have resembled his father. From a poem on his death, supposed to be written by Sir William Scott of Thirlestane, Bart., ancestor of Lord Napier, Mr Lockhart, in his "Life of Scott," quotes these lines:

" His converse breathed the Christian. On his tongue
The praises of religion ever hung;

* To his connection with the Campbells, Mr Lockhart remarks, "Sir Walter owed many of these early opportunities for studying the manners of the Highlanders, to which the world are indebted for 'Waverley,' 'Rob Roy,' and the 'Lady of the Lake.'"

Whence it appeared he did on solid ground
Commend the pleasures which himself had found.
His venerable mien and goodly air
Fix on our hearts impressions strong and fair.
Full seventy years had shed their silvery glow
Around his locks, and made his beard to grow :
That decent beard, which in becoming grace
Did spread a reverend honour on his face."

Beardie's portrait, painted for Dr Pitcairne, is now at Abbotsford.

" Beardie " had three sons. Walter, the eldest, married and had children, who settled in America ; his race in the male line is extinct. William, the third son, was father of James Scott, well known in India as one of the original settlers in Prince of Wales Island.

Robert Scott, second son of " Beardie," chose the nautical profession, but being wrecked near Dundee in his trial voyage, he refused again to venture upon the ocean. By this course he offended his father, who refused to help him; he consequently renounced his father's politics and became a Whig. From his relative, John Scott of Harden, he obtained the lease of Sandyknowe, a pastoral farm in the county of Roxburgh. His only capital was a sum of £30, which he borrowed from an old shepherd named Hogg, whom he took into his employment. " With this sum," writes Sir Walter Scott, " the master and servant set off to purchase a stock of sheep at Whitsun-Tryste, a fair held on a hill near Wooler, in Northumberland. The old shepherd went carefully from drove to drove, till he found a *hirsel* likely to answer their purpose, and then returned to tell his master to come up and conclude the bargain. But what was his surprise to see him galloping a mettled hunter about the race-course, and to find he had expended the whole stock in this extraordinary purchase

. . . . The thing, however, was irretrievable, and they returned without the sheep. In the course of a few days, however, my grandfather, who was one of the best horsemen of his time, attended John Scott of Harden's hounds on this same horse, and displayed him to such advantage that he sold him for double the original price. The farm was now stocked in earnest; and the rest of my grandfather's career was that of successful industry. He was one of the first who were active in the cattle trade, afterwards carried to such extent between the Highlands of Scotland and the leading counties in England, and by his droving transactions acquired a considerable sum of money. He was a man of middle stature, extremely active, quick, keen, and fiery in his temper, stubbornly honest, and so distinguished for his skill in country matters, that he was the general referee in all points of dispute which occurred in the neighbourhood. His birth being admitted as *gentle*, gave him access to the best society in the county, and his dexterity in country sports, particularly hunting, made him an acceptable companion in the field as well as at the table."

At Sandyknowe Sir Walter Scott spent a portion of his early youth. The farm surrounded Smailholm Tower, a Border keep, rising among a cluster of wild rocks, within two miles of Dryburgh Abbey. Sir Walter has celebrated the locality in his ballad, "The Eve of St John." In the introduction to the third canto of "Marmion" he recalls this home of his infancy in these lines :

" It was a barren scene, and wild,
Where naked cliffs were rudely piled;
But ever and anon between
Lay velvet tufts of loveliest green;
And well the lonely infant knew
Recesses where the wall-flower grew,

And honey-suckle loved to crawl
Up the low crag and ruined wall.
I deemed such nooks the sweetest shade
The sun in all its round surveyed;
And still I thought that shattered tower
The mightiest work of human power;
And marvelled as the aged hind
With some strange tale bewitched my mind,
Of forayers, who, with headlong force,
Down from that strength had spurred their horse,
Their southern rapine to renew,
Far in the distant Cheviots blue,
And, home returning, filled the hall
With revel, wassail-rout, and brawl.
Methought that still with trump and clang
The gateway's broken arches rang;
Methought grim features, seamed with scars,
Glared through the windows' rusty bars.
And ever, by the winter hearth,
Old tales I heard of woe or mirth,
Of lovers' slights, of ladies' charms,
Of witches' spells, of warriors' arms;
Of patriot battles, won of old
By Wallace wight and Bruce the bold."

The poet thus gratefully commemorates his grandfather, the tacksman of Sandyknowe :

" Still, with vain fondness, could I trace,
Anew, each kind familiar face,
That brightened at our evening fire!
From the thatched mansion's grey-haired sire,
Wise without learning, plain and good,
And sprung of Scotland's gentler blood,
Whose eye, in age, quick, clear, and keen,
Showed what in youth its glance had been,
Whose doom discording neighbours sought,
Content with equity unbought."

Robert Scott of Sandyknowe died in 1775. He married Barbara, second daughter of Thomas Haliburton of Newmains, who represented a respectable branch of the ancient House of Haliburton. According to a writer in the "Memorials of the

Haliburtons,"* the family were first styled Burton, and came from England with Edgar Atheling, in the reign of Malcolm Canmore. The father of Sir Walter Scott in 1792 wrote thus: † "In Berwickshire, and not far from the town of Greenlaw, there are two farms, the one of them called Meikle (large) and the other the Little Haliburton. These lands seem to have been the earliest possessions which the Haliburtons had, and whether these lands gave rise to the surname of Haliburton, or that the Haliburtons, after acquiring them affixed that name, is not a clear point. It is, however, a known fact that the Haliburtons long remained the proprietors of these lands." The name Burton is derived from the Norse *bur*, a storehouse, and *dun*, pronounced *toon*, a fort or castle. At one of the two Burton farms was erected a chapel (a pendicle of the church at Greenlaw), and thereafter the locality was known as Haly (Holy) Burton. Walter, son of David, under the designation of Walterus de Halyburton, confirmed a gift made by his father in 1176, of the church of Halyburton to the Abbey of Kelso. About the year 1200, Henry de Halyburton was witness to a charter by Adam of Morham, knight, granting to Richard of Bickertoun certain lands at Dunipace.‡ Sir Henry Halyburton swore allegiance to Edward I. in 1296, for his lands in Berwickshire, and on the 23d May 1308, he became one of the sureties for the liberation of Bishop Lamberton of St Andrews, then confined in Windsor Castle. His son, Sir Adam, had three sons. Sir Walter, the eldest, was High Sheriff of Berwickshire; he died about the year 1385. Sir John, the second son, a brave soldier, fell at the battle of

* Memorials of the Haliburtons, p. 19.

† *Ibid.*, p. 68.

‡ Chartulary of Cambuskenneth Abbey, p. 111.

Nisbet, in 1355; he married the daughter and co-heiress of William de Vallibus, Lord of Dirleton, through whom he obtained that estate. His son, Sir John Halyburton of Dirleton, who died in 1392, married Margaret, daughter of Sir John Cameron, with whom he got extensive possessions in the counties of Perth and Haddington. Sir Walter, his eldest son, was one of the hostages for James I. in 1424; he was appointed High Treasurer in 1439, and in the following year was created a Lord of Parliament. By his wife, a daughter of the Regent Albany, and widow of the Earl of Ross, he had four sons, John, second Lord Halyburton of Dirleton, Walter, Robert, and William. Walter, the second son, married Catherine, daughter and co-heiress of Alexander de Chisholm, through whom he acquired the barony of Piteur, Forfarshire, to which he had a charter in 1432. To the family of Piteur belonged James Halyburton, Provost of Dundee, a zealous promoter of the Reformation, who died in 1588; also the Rev. Thomas Halyburton, Professor of Divinity at St Andrews, author of "The Great Concern of Salvation."

Henry Haliburton, descended from the Lords Halyburton, received from Archibald (the Grim), Earl of Douglas, in August 1407,* the lands of Muirhouselaw, in Berwickshire. His son married Isabel de Mertoun, heiress of Mertoun, and their son, William Haliburton, succeeded to the maternal estate of Mertoun. William was father of four sons, Walter, David, George, and William. Walter, his eldest, succeeded him in the lands of Mertoun. On the 16th December 1584 Henry Haliburton obtained service as heir to Mark Haliburton of Mertoun, his father, in the lands of Mertoun. He was in these lands succeeded by his son, John Halib-

* Memorials of the Haliburtons, p. 43.

burton, 29th April 1601.* John Haliburton of Mertoun died in 1640, and is commemorated by a tombstone in the Haliburton aisle of Dryburgh Abbey. That tombstone is thus inscribed :

“ Sub hoc tumulo hic jacet Johannes Haliborton, Barro de Mertoun, vir religione et virtute clarus mortuar 17 Augusti, anno Christi 1640, ætatis 65.

“ Homo est bulla rebus in humanis ; nil fas dixisse beatum fatalem donec verterrit hora rotam.” †

At the centre of the inscription, the tablet displays the shield of John Haliburton of Mertoun ; ‡ also the family escutcheon of his wife, Jane Sinclair, with her initials, I. S. On the 13th August 1652, Helen and Euphame Haliburton were served *heirs-portioners* of Andrew Haliburton of Mertoun, their father. §

The second or third son of William Haliburton of Mertoun was George Haliburton, who received the lands of Muirhouselaw. John Haliburton of Muirhouselaw had a daughter, Agnes, who married George Haliburton of Dryburgh and Newmains : he died in 1606. Andrew Haliburton of Muirhouselaw, living in 1573, had a daughter, Jean, married, 20th May 1595, Stephen, son of Andrew Douglas of Tympendean. Adam Haliburton of Muirhouselaw, living 1613, married Beatrice, daughter and co-heiress of John [or James] Boswell,

* Inquisitiones Speciales, Berwick, 11, 21.

† The inscription may be translated thus: “Under this tombstone lies John Haliborton, Baron of Mertoun, who was remarkable for his piety and goodness. He died on the 17th of August, A.D. 1640, aged 65 years. Human life is as a vapour, and a man may not be pronounced happy, till time has turned the fatal wheel.”

‡ Memorials of the Haliburtons, p. 13.

§ Inquisitiones Generales, 3669.

burgess of Kinghorn. He had issue—John, “appearand of Muirhouselaw,” curator (1597) to Thomas, son of James Haliburton of Dryburgh, judge and commissioner, 1601-28, and heir to his mother, 1640. He married Margaret, daughter and heiress of David, son of George Boswell of Bowhill, and had issue. John Haliburton of Muirhouselaw, born in 1634, was served heir to his grandfather, David Boswell, in 1653. He died in 1704, and by his wife Jean, daughter of Mark Pringle of Clifton (she died 1703), had two sons, John and Patrick. John succeeded to Muirhouselaw. He died in 1705, leaving a son, Thomas.

Thomas Haliburton of Muirhouselaw, born 27th January 1692, married, 10th December 1708, Elizabeth, second daughter of George Rutherford of Fairnington. On the 15th May 1716, he fell mortally wounded by the hand of his brother-in-law, George Rutherford of Fairnington, with whom he contended about a matter of boundary.*

The Rutherfords of Fairnington had rather a fancy for killing Haliburtons, for in 15— Henry Haliburton was killed by George Rutherford of Fairnington, who was “obliged by the Haliburtons to pay sixty merks for the said blood-shed to Thomas, Henry’s son.”† George Rutherford of Fairnington was on an inquest at Jedburgh in 1601; he was living in 1647. In 1674 George Rutherford was served heir to his father, George Rutherford of Fairnington. In 1692 he was succeeded in the estate by his son George. This George Rutherford married, 11th March 1686,‡ Barbara, daughter of John Haliburton of Newmains. She died in 1750, leaving two sons, George, born 5th December 1691, and David; also

* Memorials of the Haliburtons, pp. 7-10, 57.

† *Ibid.*, p. 34.

‡ *Ibid.*, p. 48.

Margaret, who married Robert Pringle of Clifton, and Elizabeth, who married, first, Thomas Haliburton of Muirhouselaw, and, secondly, George Haliburton of Muirhouselaw, Lord Provost of Edinburgh.*

Patrick, second son of John Haliburton of Muirhouselaw, engaged in merchandise at Edinburgh, and became Dean of Guild of that city. He married a daughter of Erskine of Shielfield, by whom he had three sons—John; a second whose Christian name is unknown; and George, born 1685.

George Haliburton was a merchant in Edinburgh. He was appointed Dean of Guild in September 1739, and elected Lord Provost in September 1740. He died on the 3d September 1742, and his remains were deposited in the Greyfriars Churchyard.

George Haliburton of Muirhouselaw, Lord Provost of Edinburgh, married Elizabeth Rutherford, widow of his cousin, Thomas Haliburton of Muirhouselaw, by whom he had three daughters. Helen, the youngest daughter, died unmarried. Janet, the eldest daughter, married, 12th November 1741, the Rev. James Nicolson, minister of Banchory, Devenick, by whom she had three sons, Cadogan, George Haliburton, and Charles, who ultimately became chaplain to the British Embassy at Constantinople.†

Davidona, second daughter of Lord Provost Haliburton, married, in 1756, William Dallas, of Edinburgh, representative of the family of Dallas of St Martin's, Ross-shire, by whom she had five sons and two daughters. Lieutenant-General Sir Thomas Dallas, G.C.B., the eldest son, born 1st January 1757, was a distinguished officer. He died 12th

* Memorials of the Haliburtons, pp. 57, 58.

† Fasti Eccl. Scot., iii. 493.

August 1839. He is represented by his grandson, Thomas Yorke Dallas Yorke, Esq. of Walmsgate, Lincolnshire.

By a second marriage, Lord Provost Haliburton had a son, who succeeded him in the lands of Muirhouselaw, and who had two sons living in 1792, John and David.* In 1824 the lands of Muirhouselaw were possessed by David Haliburton, on whose death they became the possession of the family of Marjoribanks.†

David, second or third son of William Haliburton of Mertoun, married Eupham Gledstanes, daughter of the Baron of Gledstanes, by whom he had five sons. He rented lands from the Abbey of Dryburgh, respecting which he had a dispute with James Stewart, the abbot, which, in May 1535, was submitted to the arbitration of James V., who decided against the abbot. In 1536 the differences were finally adjusted, and a contract of marriage concluded between Walter, eldest son of David Haliburton, and Elizabeth Stewart, the abbot's daughter.‡ Of this marriage was born a daughter Elizabeth, who in 1559 married Alexander Erskine, of the family of Balgonie, and who received with her the lands of Nether Shielfield, which her father had feued from the abbey. On the lands of Shielfield Alexander Erskine erected a mansion, and there established his residence. It was occupied by his representatives till the year 1793, when their lands at Dryburgh passed to another family.

Thomas Haliburton, second son of David, and younger brother of Walter Haliburton, had a lease of lands from the Commendator of Dryburgh. He married Elizabeth Pennie, by whom he had six sons. George, the eldest son, had a

* Memorials of the Haliburtons, p. 64.

† *Ibid.*, p. 3.

‡ *Ibid.*, pp. 27-31.

charter of feu-farm of various lands at Dryburgh, on which in 1572 he erected a mansion. By his wife Agnes, daughter of John Haliburton of Muirhouselaw, he had a son James, who espoused Margaret, daughter of Robert Haig of Bemerside, by whom he had three sons, Thomas, John, and James, and a daughter Margaret; who married John Erskine of Shielfield.

Thomas, eldest son of James Haliburton, received in 1637 a disposition of the lands of Over and Nether Mains, to which in January 1638 he had a charter under the Great Seal; he was thereafter styled of Newmains. He died 30th January 1673. By his wife Mary, daughter of John Haliburton of Mertoun (who died 7th June 1667), he had three sons, John, David, and William, and three daughters, Janet, Margaret, and Elizabeth.

John Haliburton, eldest son of Thomas Haliburton of Newmains, succeeded his father in 1673. He married, 27th December 1666, Margaret, second daughter of John Rutherford of Edgerston, by whom he had six sons and six daughters; he died 3d March 1688. In his lands of Newmains he was succeeded by Thomas, his eldest son.*

Thomas Haliburton of Newmains, born 7th June 1670, succeeded his father in 1688. He married, 13th January 1701, Janet, only daughter of Robert Campbell of Northwoodside, Dean of Guild, Glasgow, by his second wife, Jean, daughter of James Dunlop † of Garnkirk. Practising as an

* Memorials of the Haliburtons, pp. 33-49.

† The family of Dunlop of Dunlop have been traced to the thirteenth century. Neill Fitz Robert de Dùlop appears in the Ragman Roll. Janet, daughter of Constantine Dunlop of Dunlop, who died in 1505, married James Stewart, Sheriff of Bute, great-grandson of Robert II.; while his son John carried on the succession. His descendant, James Dunlop of Garnkirk, father of the second wife of Mr Robert Campbell, resisted the arbitrary measures of Charles II., and

advocate in Edinburgh, he acquired substance, and added to the family estate.

In 1587 the abbey lands of Dryburgh were annexed to the Crown. By a charter, dated 27th March 1604, James VI. erected these lands, and the abbey lands of Cambuskenneth, and the lands of the Priory of Inchmachome, into the lordship of Cardross, which he conferred on John, Earl of Mar. The grant was subsequently confirmed by Act of Parliament, and on the 10th June 1610, the Earl of Mar was created Lord Cardross. The title descended to David Erskine, his grandson by Henry, his second son. Henry, third Lord Cardross, son of David, sold in 1682 that part of the lordship of Cardross called "the abbacie of Dryburgh," to Sir Patrick Scott, younger of Ancrum, by whom that part of the lordship, comprehending the ruins of the abbey, was, in January 1700, sold to Thomas Haliburton of Newmains. This appears from a Crown charter, dated 12th February 1733, in favour of the said Thomas Haliburton, and John Haliburton, merchant in Edinburgh, his eldest son; whom failing, to Robert Haliburton, his second son, "of all and whole that portion of the lordship of Cardross, formerly the abbacy of Dryburgh." The charter contained those parts of Dryburgh which Thomas Haliburton held in feu, and on which his ancestor built a residence.*

In the "Memorials of the Haliburtons," p. 60, Thomas Haliburton names "John Coutts, merchant in Edinburgh," as his "wife's brother." This statement of relationship claims further attention.

was in consequence imprisoned in the Castle of Edinburgh from 1665 to 1677. From this family sprung Mrs Dunlop of Dunlop, the early friend and correspondent of the poet Burns, and John Dunlop, the ingenious author of the "History of Fiction."

* Liber S. Marie de Dryburgh, 1847, preface, xxxii.-xxxiv.

The family of Coutts belong to the north of Scotland. Mr Thomas Cowtis, perpetual vicar of Cargyll, is named as sitting in the consistory court held in St Giles' Church, Edinburgh,* on the 13th November 1524.† William Coutts of Auchintoul settled in Montrose. At the close of the sixteenth century, he became provost of that burgh. His grandson Patrick settled in Edinburgh. In 1697, or previously, he married Jean Dunlop, widow of Robert Campbell of Northwoodside, Dean of Guild of Glasgow, and mother of Janet Campbell, wife of Thomas Haliburton of Newmains. Of this marriage were born two sons and a daughter, as shown by the following extracts from the Baptismal Register of Edinburgh :

“ 1698. *Apr. 5th.*—Patrick Coutis, merchant, and Jean Dunlop, a daughter named Christian. *Witnesses*—Dr David Dickson, docter of medicine; Mr James Robertson, advocate; Thomas Dunlop, chirurgeon apothecary; Thomas Crombie and Mr Archibald Dunlop, merchants. Born on Saturday, 19th of March last, afternoon.”

“ 1699. *Augt. 11th.*—Patrick Coutis, merchant, and Jean Dunlop, a son named John. *Witnesses*—Mr James Robertoun, advocatt; Doeter David Dickson, docter of medicine; Mr William Black, advocat; Thomas Dunlop, chirurgeon apothecary. He was born on Friday, 28th of July last.”

“ 1701. *Janr. 24th.*—Patrick Coutis, merchant-burges, and Jean Dunlope, his spouse, a son named James. *Witnesses*—Mr Thomas Halyburton of Newmains, advocate; Thomas Dunlop, chirurgeon; and Thomas Crombie, merchant-burges.”

* Papers in possession of Lord Wharncliffe, Fifth Report of Royal Hist. Com., part i., app. 622.

† A drover, named Couttis or Couttie, belonging to Dundee, aided James V. in the Glen of Ogle, in an encounter with a Highland freebooter. He received from the king in reward of service a portion of ground at Dundee. The locality still bears his name.

Patrick Coutts married, secondly, on the 14th December 1702, Rachel Balfour, relict of William Forrester, Writer to the Signet, by whom he had a daughter, Janet, baptized 1st March 1704.* He died in 1704, survived by three of his four children, to whom he bequeathed the sum of £2500. His son John (uterine brother of Mrs Thomas Haliburton), born 28th July 1699, established the mercantile house of John Coutts & Co.; and in 1743 held office as Lord Provost of Edinburgh. He died at Nola, near Naples, in 1751, at the age of fifty-two. He had married, on the 10th April 1730, Jean, second daughter of Sir John Stuart of Allanbank, Berwickshire (who died in 1736),† by whom he had five sons and a daughter. Patrick, the eldest son, born 5th April 1731, joined his father's firm, which subsequently became a banking house, first under the designation of Forbes, Hunter, & Co., and in 1831 as the Union Bank of Scotland.

James Coutts, third son‡ of John Coutts, Lord Provost of Edinburgh, born 10th March 1733, was partner in a banking-house at St Mary Axe, London; he subsequently joined his brother Thomas.

Thomas Coutts, youngest son of John Coutts, was born at Edinburgh on the 7th September 1735. He founded a bank in the Strand, of which, on the death of his brother James, in 1778, he became sole manager. He died on the 24th February 1822, having accumulated an enormous fortune. He was twice married. By the will of his widow, the Duchess of St Albans, his granddaughter, Angela Burdett,

* Edinburgh Marriage and Baptismal Registers.

† Memorials of the Haliburtons, pp. 60, 61.

‡ For the dates of birth of all the children of Lord Provost Coutts, see "Memorials of the Haliburtons," pp. 60, 61.

now the Baroness Burdett Coutts, became possessed of his property.*

Thomas Haliburton of Newmains and Dryburgh died on the 25th June 1753, in his eighty-fourth year. By his wife, Janet Campbell (who died 17th November 1751, aged sixty-nine), he had two sons and six daughters. John, the elder son, born 22d March 1707, was a merchant in Edinburgh; he succeeded to Newmains and Dryburgh in 1753, and died unmarried, 26th April 1754. He was succeeded by his younger brother, Robert, born 5th September 1718. This person is described by Sir Walter Scott, as "a weak silly man, who engaged in trade, for which he had neither stock nor talents," and so became necessitated to sell the family inheritance. He sold the lands in 1767 to Lieut.-Colonel Charles Tod, for the sum of £5500.† He died unmarried about the year 1788.

Of the six daughters born to Thomas Haliburton of Newmains, Jean, Margaret (first), Margaret (second), Lilias, and Janet, died unmarried.‡ Barbara, the third daughter, born 4th March 1706, married Robert Scott, tacksman of Sandyknowe, on the 16th July 1728. In chronicling the event, Thomas Halyburton devoutly adds, "May the blessing of the Lord rest upon them, and make them comforts to each other

* In his "Life of Scott," Mr Lockhart remarks that the poet had "some remote connection with the great banker's family, through," he supposed, "the Stuarts of Allanbank, or the Swintons of Swinton." Had the accomplished biographer consulted the "Memorials of the Haliburtons," he would have ascertained that Sir Walter's grandmother, Barbara Haliburton, wife of Robert Scott of Sandyknowe, was the banker's first cousin.

† In his autobiographical fragment, Sir Walter Scott states that the purchase-money was £3000; he is also in error as to the year of sale, which he names as 1766 (Reg. of Deeds, vol. 202, 12th November 1767).

‡ Memorials, pp. 49-51.

and to all their relations." From the "Memorials" * we reproduce the following entries of the births and baptisms of their children :

"Their son Walter was born upon the 11 of May, being Sabbath, about six in the morning, and was baptized at their house in Sandyknow, by Mr William Walker, minister of Makerstoun, upon the 17 of the foresaid moneth, both his grandfathers being witnesses, with his unckells (father's brethren), 1729 years.

"Their second son, Thomas, was born upon the 7th of January, twixt three and four in the morning, and was baptized at their house in Sandyknow by Mr James Innes, minister of Mertoun, upon the ninth day of the foresaid moneth, being Saturday, his two uncles and I being witnesses, in the year 1731.

"Their eldest daughter, Janet, was born upon Munday the 14 of May, twixt seven and eight at night, and was baptized at their house in Sandyknow, by Mr James Innes, minister of Mertoun, upon the twenty-second day of the foresaid moneth, being Tuesday ; Makairston, Harden, Raeburn, and his brother Walter, and I, being witnesses, in the year i^mvii^c and thirty-three.

"Their second daughter, Mary, was born upon Thursday the thirteen day of March, in the afternoon, and was baptized upon Teusday the eighteen, at Sandyknow, by Mr James Innes, minister of Mertoun ; Raeburn, Walter Scot in Bailieknow, his brother William, and I, being witnesses, in the year i^mvii^c and thirty-five.

"Their thrid daughter, Jean, was born upon Saturday the eleventh of June, i^mvii^c and thirty-seven years, and baptized upon Teusday the twenty-first, at Sandyknow, by Mr James Cuninghame, minister of Smailhome, before these witnesses, Raeburn, his brothers Walter and William Scots, and I, year foresaid ; she being born in the morning.

* Pp. 59, 60.

“Their thrid son, Robert, was born upon Sabath, about half ane hour after two in the morning, being the 20 of May, i^mvii^e and thirty-nine years, and baptized upon Thursday thereafter, being the 24, at Sandyknow, by Mr James Cunningham, minister of Smailhome, before these witnesses, Raeburn, and Mr Scott, his two brothers Walter and William Scots, and I, year foresaid.

“Their fourth daughter, Barbara, was born upon Munday the thrid of May, i^mvii^e and forty-two years, about six in the evening; and was baptized upon Saturday the eight, at Sandyknow, by Mr John Thorburn, minister at Kirknewton, before these witnesses, Raeburn, Walter and William Scots his two brothers, and I, year foresaid.

“Their fourth son, John, was born upon Saturday the second of September, i^mvii^e and forty-nine years; and was baptized at Sandyknow upon Saturday the ninth day, by Mr Duncan, minister at Smailhome.”

Though a portion of Mertoun parish, the farm of Sandyknowe lay near the church of Smailholm, and in the register of the latter parish Robert Scott, as a matter of convenience, recorded the baptisms of his children. From the Smailholm Register we obtain these entries :

“May 17, 1729.—Mr Robert Scott and Mrs* Barbara Halliburton, his spouse, had a child baptized at their house, called Walter.”

“January 14, 1731.—Mr Robert Scott and Mrs Barbara Halliburton, his spouse, had a child baptized at their own house, by Mr James Innes, Minister of the Gospel at Mertoun, called Thomas.”

“May 15, 1733.—Mr Robert Scott and Mrs Barbara Halli-

* The prefixes Mr and Mrs were in the eighteenth century reserved by parochial registrars to the parish minister and his spouse, and the families of the landed gentry. Though a tenant-farmer, Robert Scott appears to have been regarded as of superior rank.

burton, his spouse, had a daughter baptized at his own house, by Mr James Innes, Minister of the Gospel at Mertoun, called Janet."

"March 19, 1735.—Mr Robert Scott in Sandyknow, and Mrs Barbara Halliburton, his spouse, had a daughter baptized in their own house, by Mr James Innes, Minister of the Gospel at Mertoun, called Mary."

"May 24, 1739.—Mr Robert Scott in Sandyknow, and Mrs Barbara Halyburton, his spouse, had a son baptized at their own house, by Mr James Cunningham, Minister of this parish, and baptized Robert."

"1742.—Mr Robert Scott and Mrs Barbara Halliburton, his spouse, had this day, at their own house in Sandyknow, a child baptized Barbara." *

Subsequent to the death of Robert Scott, the farm of Sandyknowe was some years occupied by his widow. Of their family of four sons and four daughters, Thomas Scott, the second son, first resided at Crailing, near Kelso, as land-steward to Mr Scott of Danesfield; he next occupied a house at Elliston, near St Boswells, and afterwards rented the lands of Woollee, in the same district. Finally he retired with a handsome independence to Monklaw, near Jedburgh. He died at Monklaw on the 27th January 1823, at the advanced age of ninety-two. To the circumstances of his decease, Sir Walter Scott thus refers in a note inscribed on his private copy of the "Memorials of the Haliburtons:"

"He read till nearly the year before his death; and being a great musician on the Scotch pipes, had, when on his death-

* Some immaterial discrepancies in relation to the days of baptism occur between Mr Haliburton's record and that of the Smailholm registrar. By the latter, the baptisms of Jean, the third daughter, and John, the youngest son, are unrecorded.

bed, a favourite tune played over to him by his son James, that he might be sure he left him in full possession of it. After hearing it, he hummed it over himself, and corrected it in several of the notes. The air was that called "Sour Plums in Galashiels." When barks and other tonics were given him during his last illness, he privately spat them into his handkerchief, saying, as he had lived all his life without taking doctors' drugs, he wished to die without doing so."

Thomas Scott married, first, Anne, daughter of William Scott of Raeburn, and secondly, Miss Rutherford of Know-South. He was survived by two sons, James and Charles, and two daughters, Mary and Anne. James resided in Edinburgh, and there died unmarried. Charles succeeded to the estate of Know-South, which had belonged to his mother. Mary died at Edinburgh, unmarried. Anne was married.

1 John X

Robert Scott, third son of Robert Scott of Sandyknowe, was born 20th May 1739. Having chosen a seafaring life, he became captain of a merchant vessel. Procuring a competency, he purchased the small estate of Rosebank, on the Tweed, near Kelso, where he established his residence. At Rosebank, under his affectionate care, his nephew, the future poet, spent a portion of his youth. He much encouraged his nephew's literary tastes. He died at Rosebank on the 10th June 1804, aged sixty-five. His remains were interred in the Abbey of Kelso. Being unmarried, he bequeathed to the poet, his favourite nephew, his estate of Rosebank, which embraced about thirty acres of excellent land. Sir Walter sold the place for £5000, with the view of purchasing a mountain farm—an intention which was not realised. Captain Robert Scott was remarkable for his unostentatious benevolence.

John, fourth son of Robert Scott at Sandyknowe, was born 2d September 1749. A mate on board H.M.S. "Southampton," he was fatally injured by a block falling upon him; he died young, and unmarried.

Janet Scott, eldest daughter of Robert Scott at Sandyknowe, was born on the 14th May 1733. She resided at Kelso, where, in his youth, she extended kindness to her nephew, the future poet, during his frequent visits to her. In an essay on "Landscape Gardening," published in 1828, Sir Walter describes the residence of his favourite aunt, as "a small cottage, . . . situated in a garden of seven or eight acres, planted about the beginning of the eighteenth century, . . . full of long straight walks, between hedges of yew and hornbeam, which rose tall and close on every side. There were thickets of flowery shrubs, a bower, and an arbour, to which access was obtained through a little maze of contorted walks, calling itself a labyrinth. In the centre of the bower was a splendid platanus or Oriental plane—a huge hill of leaves. . . . In different parts of the garden were fine ornamental trees, which had attained great size; and the orchard was filled with fruit trees of the best description. There were seats and hilly walks, and a banqueting-house." Miss Janet Scott accompanied young Walter Scott to Bath, whither, in his fourth year, he was sent in the hope that his lameness might yield to the influence of the mineral waters. She died at Kelso, unmarried, on the 23d December 1805, aged seventy-two. Her remains were deposited in the Abbey of Kelso.

Mary, the second daughter, born 13th March 1735, died at Kelso, unmarried, on the 23d December 1805, aged fifty-two.

Jean, third daughter, born 11th June 1737, married, in

Lady Rawlinson

1772, her relative, Walter Scott of Raeburn, by whom she had five sons and one daughter.* According to Mr Lockhart, she was a beautiful woman, with a soft eye, sweet voice, and gentle manners. In one of his prefaces Sir Walter Scott refers to her as exhibiting, in her mode of talk, what he conceived might be the Scottish tongue spoken when Scottish sovereigns held court at Holyrood. She died at Lessudden House, Roxburghshire, on the 20th October 1820, aged ninety-one.

X see .xxi

| 8 ?

Barbara, fourth daughter of Robert Scott, was born 14th May 1742. She married Mr Curle, farmer, Yetbyre, Roxburghshire, and died without issue on the 4th January 1826, aged eighty-four. Respecting her, Sir Walter Scott wrote to his sister-in-law, Mrs Thomas Scott: "Poor Aunt Curle died like a Roman, or rather like one of the Sandyknowe bairns, the most stoical race I ever knew. She turned every one out of the room, and drew her last breath alone." Her remains were interred in the Abbey of Kelso.

Walter Scott, eldest son of Robert Scott and Barbara Haliburton, was born at Sandyknowe on the 11th May 1729. Having studied law under Mr George Chalmers, a respectable solicitor, he established himself at Edinburgh as a Writer to the Signet. Through his family connection he obtained a good practice, which, partly owing to his punctilious manner, subsequently decreased. Singularly conscientious, he would, according to Sir Walter, have sacrificed his own interest to that of his client, and though economical to the verge of penury, would, in carrying out any duties entrusted to him, have been content to suffer loss. By Sir Walter he is impersonated in the pleasing character of Mr Saunders Fairford in

* *Supra.*

the novel of “Redgauntlet.” He died 12th April 1799, and his remains were on the 18th day of the same month deposited in the Greyfriars Churchyard.*

Walter Scott, Writer to the Signet, married, in April 1758, Anne Rutherford, daughter of John Rutherford, M.D., Professor of Medicine in the University of Edinburgh. Their contract of marriage proceeds thus :

“At Edinburgh, the 25th of April 1758.—It is contracted, agreed, and matrimonially ended betwixt the parties following, viz., Mr Walter Scott, Writer to the Signet, eldest lawfull son of Mr Robert Scott in Sandieknow, with consent of the said Mr Robert Scott, his father, and the said Mr Robert Scott for himself, his own right and interest, on the one part; and Mrs Anne Rutherford, eldest daughter of Doctor John Rutherford, Professor of Medicine in the Colledge of Edinburgh, procreate betwixt him and the deceast Mrs Jean Swinton, his first spouse, daughter of the deceast Sir John Swinton of that ilk, with advice and consent of the said Doctor John Rutherford, her father, and the said Doctor John Rutherford for himself, his own right and interest, with consent of the said Mrs Anne Rutherford, his daughter; and they both with one advice, consent, and assent on the other part in manner following—that is to say, the said Walter Scott and Mrs Anne Rutherford have accepted, and by these presents accept each of them other for their lawfull spouses. . . . To be interponed hereto, and for that effect they constitute their procurators.—In witness whereof, these presents, consisting of this and the ten preceding pages, all wrote upon stampt paper, by Alexander Keith, Writer in Edinburgh, are subscribed by both parties, place, day, month, and year of God foresaid, before these witnesses—the Reverend Mr John Cranstoun, Minister of the Gospel at Ancrum; Mr John Coutts, merchant in Edinburgh; Mr Thomas Scott, son

* Burial Register of the Greyfriars Churchyard.

of the said Mr Robert Scott; the said Mr Alexander Keith of Ravelston; the said Mr John Swinton, son of the deceast Mr Robert Swinton, merchant in North Berwick; and the said Mr Alexander Keith, writer hereof.

John Cranstoun, <i>witness.</i>	WALTER SCOTT.
John Coutts, <i>witness.</i>	ANN RUTHERFORD.
Thomas Scott, <i>witness.</i>	ROBERT SCOTT.
Alex ^r . Keith, <i>witness.</i>	JO. RUTHERFOORD.
John Swinton, <i>witness.</i>	
Alex ^r . Keith, <i>witness."</i>	

The family of Rutherford had long been noted on the eastern border. It is named in connection with lands in Teviotdale so early as the eleventh century. Though other derivations have been suggested, the name is obviously derived from the Saxon *Rother-ford*, or cattle-ford: a place on the Tweed is so designated. Robertus dominus de Rutherford is witness to a charter by David I. to Jervasius Ridal, in 1140; and Hugo de Rutherford, in 1215, to a grant by Philip de Valoniis of lands in Northumberland. Sir Robert de Rutherford is mentioned by Barbour as fighting under King Robert the Bruce for the independence of Scotland. Sir Richard Rutherford was a distinguished favourite of Robert III.; he was, in 1398, appointed one of the ambassadors extraordinary to the English court. In 1400 he and his sons were appointed wardens of the marches. He had, by his wife, Jean Douglas, three sons—James, who succeeded him; John, who, in 1428, had a grant of the lands of Chatto and Hunthill, of whom were the Lords Rutherford; and Nichol, ancestor of the Rutherfords of Hundalee and Fairnilee.

In a note to the "Lay of the Last Minstrel," Sir

Walter Scott describes the Rutherfords of Hunthill* as "an ancient race of Border lairds, whose names occur in history, sometimes as defending the frontier against the English, sometimes as disturbing the peace of their own country." "Dickon Draw-the-Sword," he writes, "was son to the ancient warrior called in tradition the Cock of Hunthill, remarkable for leading into battle nine sons, gallant warriors, all sons of the aged champion. Mr Rutherford, late of New York, in a letter to the author, quoted, when upwards of eighty years old, a ballad apparently the same as the 'Raid of the Reidsquair,'† but which is lost, except the following lines :

‘ Bauld Rutherford, he was fu’ stout,
With all his nine sons him about;
He brought the lads of Jedburgh out,
And bauldly fought that day.’”

John Rutherford, tacksman at Grundisnock, in the county of Roxburgh, was grandson of that Rutherford known as the "Cock of Hunthill." He married Isabella Ker, descended from the Kers of Ferniehirst.

John Rutherford, son of John Rutherford and Isabella Ker, was born in 1641. After being some years schoolmaster at Selkirk, he in 1687 passed his trials as a probationer of the Church. On the 30th September 1691, he was appointed to the pastoral charge of Yarrow, where he ministered till his death, which took place on the 8th May 1710.‡ Within the

* The estate of Hunthill is situated about a mile to the south-east of the town of Jedburgh.

† The skirmish of the Reidsquare was fought on the 7th of June 1575, between Sir John Carmichael, the Scottish Warden, and Sir John Forster of the English March (*Minstrelsy of the Scottish Border*, ed. 1869, p. 70).

‡ *Fasti Eccl. Scot.*, i. 564.

church at Yarrow he is commemorated by a mural tablet, thus elegantly inscribed :

“ Memoriae R. D. Joannis Rutherford, Ecclesiae Yaraensis Pastoris, integerrimi, vigilantissimi. Et Roberti filii, quadrennis, hoc monumentum erigere curavit Christiana Shaw, uxor, mōrens. Obiit May 8, 1710, ministerii 19. æt. 69. Pastor eras fidus—pater dilectus—amicus certus—herus Ienis—blandus gener atque maritus.

“ Integræ et puræ defunctus munera vitæ
Cesisti fatis—annis feliciter actis—
O ter felicem—tua fama super juga
Celsa & virides Yarae ripas—animus super astra.” *

Sir Walter Scott, in reference to his great-grandfather's monument, poetically described the church of Yarrow “as the shrine of his ancestors.”

Christian Shaw, wife of the minister of Yarrow, was descended from the old family of Shaw or De Schatto. William de Shaw swore fealty to Edward I. in 1296. In 1409 the monks of Melrose received from Malcolm de Galbraith, Lord of Greenock, a grant in exchange for a tenement in Kinross, they also paying twenty merks to his kinsman, James de le Schaw. In 1415 Thomas de Schatto confirmed to the monastery at Melrose a grant of certain lands.† John de Shaw of Sauchie, was Comptroller to James III. Dur-

* Rendered into English, the inscription reads thus : “ By Christian Shaw, his mourning widow, this monument has been erected to the memory of the Rev. Mr John Rutherford, the earnest and faithful pastor of Yarrow. He died on the 8th May 1710, in the nineteenth year of his ministry, and the sixty-ninth of his age ; also in memory of their son Robert, aged four years.— Thou wert a faithful pastor, a beloved father, a sure friend, a gentle master, a kind husband and son-in-law. Submissive to the Divine will, thou didst lay down a pure and useful life, after many well-spent years. Supremely blessed, thy fame lingers among the lofty hills, and by the green banks of Yarrow, while thy soul has passed above the stars !”

† Liber de Melros, pp. 534-537.

ing the reign of James V., Alexander Shaw of Sauchie gave the lands of Greenock to John, his eldest son, by his second wife, Elizabeth, daughter of William Cunningham of Glengarnock; he is now represented by Sir Michael Robert Shaw Stewart, Bart. of Greenock and Blackhall.

John Shaw, son of Shaw of Sauchie, had a son Patrick, who in 1591 graduated at the University of Edinburgh, and in November 1594 was presented to the vicarage of Greenock, which he declined. In 1596 he accepted the parochial charge of Selkirk. He subscribed in June 1617, with fifty-four others, the protestation for maintaining the liberties of the Church. He demitted his charge in 1634, and died some time prior to the 25th July 1646,* when his eldest son, John, obtained service as his heir. He married Anne, daughter of Sir John Murray of Philiphaugh, a representative of the outlaw Murray, celebrated in Border ballad,† and more remotely of Archibald de Moravia, a powerful baron, from whom in 1296 Edward I. exacted the oath of allegiance.

Of the marriage of the Rev. John Shaw and Anne Murray were born three sons, John, Adam, and James, and a daughter, Marion. Adam, the second son, died unmarried in 1648, and was succeeded in his property by his eldest brother, John.‡ James, the youngest son, became a merchant-burgess of Edinburgh. John Shaw, the eldest son, graduated at the University of Edinburgh in 1631. In 1634 he was ordained minister of Selkirk, in succession to his father. By the Privy Council he was, in 1663, charged with "turbulent and seditious carriage;" he surrendered his cure

* *Fasti Eccl. Scot.*, i. 539, 540; *Inquisitiones Generales*, 3162.

† *Minstrelsy of the Scottish Border*.

‡ *Inquisitiones Generales*, 3457.

prior to the 12th November 1664. He married Anna Murray, who had along with him sasine of the lands of the East Mains of Selkirk, called Heleinshaw, 13th September 1661. He had four sons, Patrick, Gideon, John, and James, and a daughter, Jean.* William Shaw was, on the 12th March 1692, served heir to his father, Gideon Shaw, bookseller in Edinburgh, and to his uncle, Patrick Shaw, doctor of medicine at Edinburgh; and on the 19th March 1698, heir to his grandfather, the Rev. John Shaw, minister at Selkirk.† Jean, only daughter of the Rev. John Shaw, minister of Selkirk, married, 5th February 1662, the Rev. John Pringle, minister of Fogo, in Berwickshire, only surviving son of George Pringle of Balmungo. Of this marriage were born five sons and two daughters. John, the fourth and eldest surviving son, succeeded in 1695 to the estate of Whytbank, on the death of his father's cousin. In 1699 he married Christian, eldest daughter of Sir Patrick Scott of Ancrum, by his wife, Margaret Scott of Harden; he died in 1703. Alexander Pringle, Esq., now of Whytbank and Yair, Selkirkshire, is his great-great-grandson.‡

Christian Shaw, wife of the Rev. John Rutherford, minister of Yarrow, was granddaughter of the Rev. John Shaw, minister of Selkirk, by his wife Anna Murray. Of the marriage of the Rev. John Rutherford and Christian Shaw were born two sons, Robert and John, and two daughters, Jean and another. Jean was baptized at Yarrow, 5th September 1693;§ she died unmarried. The other daughter became wife of — Scott of Whitehaugh, Roxburghshire. She was reputed

* Fasti Eccl. Scot., i. 540.

† Inquisitiones Generales, 7230, 7231, 7959.

‡ Fasti Eccl. Scot., i., p. 414; Burke's Landed Gentry, ii. 1119.

§ Baptismal Register of Yarrow.

for her choice sayings and brilliant humour. Her portrait, representing her in a satin sacque, is preserved at Ashestiell. She resided with her husband in George Square, Edinburgh.*

Robert, elder son of the Rev. John Rutherford, died young. John, the younger son, was born in the Manse of Yarrow on the 1st August 1695.† Educated at the grammar school of Selkirk, he entered the University of Edinburgh. Devoting himself to the study of medicine, he attended lectures on anatomy, surgery, and *materia medica* in London, and afterwards at Leyden, under the celebrated Boerhaave. In 1719 he obtained the degree of M.D. from the University of Rheims. After sometime residing at Edinburgh as a medical practitioner, he suggested that a school of medicine should be opened in connection with the college—and the proposal being entertained by the town council, he was, in 1726, appointed Professor of the Practice of Medicine. As a text-book he used the work of his preceptor, Boerhaave." In 1748 he began to deliver clinical lectures in the Edinburgh Infirmary. He resigned his professorial chair in 1765, and died in 1779, in his eighty-fourth year.

Professor John Rutherford married, first, 12th April 1731, Jean, elder daughter of Sir John Swinton of Swinton by his wife Anne Sinclair, younger daughter of Sir Robert Sinclair,

* In connection with Mr and Mrs Scott of Whitehaugh, is related the following dog story. Sitting by the fire in their house in George Square, Mrs Scott remarked to her husband that the hearthrug was very shabby, and that Lion's skin—naming the large dog lying by the fire—would make a handsome rug. At this utterance the dog got up and slunk away to the stables, where he lay three days, refusing to take food. He would scarcely be reconciled to his mistress.

† The entry in the Baptismal Register is as follows: "John Rutherford, son to Mr John Rutherford, minister at Yarrow, was baptized, August 6" (1695).

Bart. of Longformacus, by his wife Margaret, younger daughter of William, Lord Alexander, eldest son of Sir William Alexander of Menstry, Earl of Stirling, celebrated as a poet and statesman.

The family of Swinton is ancient and honourable. Deriving their name from the lands which they are said to have received in reward of their prowess in destroying herds of wild boars which infested a portion of Berwickshire, the family existed in that county so early as the Heptarchy. The lord of Swinton aided Malcolm Canmore to recover the Scottish throne; and Edulf de Swinton received from that monarch a charter (one of the first granted in Scotland) confirming him in the lands of Swinton. Within the parish church of Swinton a monument commemorates Sir Alan de Swinton, a baron of the reign of William the Lion. Under the figure of a boar and three boars' heads, it is inscribed: "Hic . Jacet . Alanvs . Svintonvs . Miles . De . Eodem." Below is a full-length figure of the baron, with his arm bent upward from the elbows and clasping a book; he died about the year 1200. His name is assumed by Sir Walter Scott for the hero of Halidon Hill, though the knight who actually fought there was Sir John Swinton. An arched vault in front of the monument and under the floor of the church was found to contain a coffin and three skulls. Of the largest skull, supposed to be that of Sir Alan, who is traditionally said to have been of gigantic proportions, a cast was taken, and presented to Sir Walter Scott, who placed it in the armoury at Abbotsford. Sir John Swinton had a chief command at the battle of Otterburn, fought on the 31st July 1388, and to his prowess the Scots were mainly indebted for the victory. He fell at the battle of Homildon Hill in 1402.

Sir John had as his first wife, Margaret, Countess of Douglas and Mar, widow of the first Earl of Douglas; he was in right of his wife styled Lord of Mar. He married, secondly, Margaret Stewart, daughter of Robert II., and by her had a son, Sir John Swinton, a renowned warrior, who had as his second wife his cousin-german, Marjory Stewart, daughter of the regent, Robert, Duke of Albany, through whom the family line was carried on.

Joanna, younger surviving daughter of Sir John Swinton and Anne Sinclair, married Alexander Keith of Ravelstone, in the county of Edinburgh. He purchased the estate of Dunnottar, in Kincardineshire, and died in 1792. Of his marriage with Joanna Swinton were born four sons, Alexander, William, George, and Robert, and two daughters, Agnes and Margaret. Both daughters and the younger sons, George and Robert, died without issue. Alexander Keith, eldest son of Alexander Keith and Joanna Swinton, became a Writer to the Signet; he succeeded his father in the estates of Ravelstone and Dunnottar. In April 1811 he married Margaret, fourth daughter of Laurence Oliphant of Gask, and sister of the Baroness Nairne, who died 10th September 1847. Alexander Keith died without issue in 1819. William, the second son, was born in 1748, and died in 1803. By his wife, Mary Anne Rae of Coldsheaf, he had four sons—Alexander, James, William, and John; and two daughters, Agnes, who died unmarried, and Isabella, who married James Wilson of Woodville, and died in 1837. William, third son of William Keith and Mary Anne Rae, married Isabella Houison Craufurd, sister of William Houison Craufurd, Esq. of Braehead and Craufurdland, and died in 1851. John, the fourth son, died unmarried.

Alexander, eldest son of William Keith and Mary Anne Rae, born in 1780, succeeded to the estates of Ravelstone and Dunnottar on the death of his uncle in 1819. In 1822, on the state visit of George IV. to Scotland, he received the honour of knighthood, with the style and dignity of Knight Marischal of Scotland; he died in 1833. By his marriage with Georgiana Lamont he was father of a son William, who was born in 1815, and died in 1825, and of a daughter, Helen Margaret Oliphant, who married, 28th November 1833, Sir William Murray, Bart. of Ochtertyre, Perthshire, and died in 1853. She was mother of ten sons and three daughters. Her eldest son, Sir Patrick Keith Murray, Bart., born 27th January 1835, succeeded his father in the baronetcy in 1861; he married, first, in 1870, Frances Amelia Jemima, sixth daughter of Anthony Murray of Dollerie, Perthshire, who died in 1872; he married, secondly, a daughter of the Hon. William Penney, Lord Kinloch.

James Keith, second son of William Keith, and grandson of Joanna Swinton, was born in 1783; he practised as a physician at Edinburgh, and died in 1863. In 1823 he married Christian Graham, daughter of Lieutenant-Colonel Maitland of Craigieburn, who died in 1870, by whom he had three sons, William Alexander, Charles Maitland, who died in infancy, and Charles Maitland the second; also two daughters, Mary Anne Rae, who died in infancy, and Isabella Napier, who married, in 1845, the Rev. Thomas Lewis Trotter, rector of Great Stainton, and died in 1857.

The Rev. William Alexander Keith, elder son of James Keith, M.D., born in 1828, is proprietor of Pogbie and vicar of Burham, Kent.

By his first wife, Jean Swinton, Professor John Rutherford

had a son John, who died young, and a daughter Anne, who married Walter Scott, Writer to the Signet, and became mother of Sir Walter Scott, Bart. He married, secondly, on the 9th August 1743, Anne McKay, by whom he had five sons and three daughters. Jean, the eldest daughter, born 1st December 1747, married in 1776 Colonel William Russell of Ashestiel, Selkirkshire, who died in 1804; she died 12th June 1791.

Of the marriage of Colonel William Russell of Ashestiel and Jean Rutherford, were born five sons and four daughters. Anne, the eldest daughter, born at Madura, in the East Indies, 28th May 1777, died at Cuddalore, 26th September 1779. Jane Boston, the second daughter, was born at Madura, 31st October 1778, and died at Edinburgh on the 6th February 1849, unmarried. Anne, the third daughter, born at Cuddalore on the 1st February 1780, died at Ashestiel on the 29th May 1849, unmarried. Elizabeth Jane, the fourth daughter, born at Ashestiel, 12th June 1791, was also unmarried; she died at Edinburgh in 1819.

John Rutherford Russell, second son of Colonel William Russell and Jean Rutherford, was born at sea on the 18th June 1783. He became an officer in the Royal Navy, and died, unmarried, at Kingston, Jamaica, in 1803.

William, the third son, born at Edinburgh on the 12th June 1785, died at Ashestiel, unmarried, on the 9th January 1803.

Daniel, fourth son, was born at Edinburgh on the 20th July 1786. An officer in the naval service of the East India Company, he died at sea, unmarried, in 1808.

Alexander Pringle, fifth son, born at Ashestiel on the 28th November 1792, became a military officer in the East India Company's service; he died at Madras in 1816, unmarried.

James Russell, eldest son of Colonel William Russell and Jean Rutherford, was born at Madras on the 17th August 1781. In the service of the East India Company he attained the rank of general, and was K.C.B. General Sir James Russell married, 18th December 1834, Katherine Mary, fourth daughter of Sir James Hall, Bart. of Dunglass, by his wife, Lady Helen Douglas, daughter of the fourth Earl of Selkirk. Sir James died 15th May 1859, leaving two daughters, Helen Jane Mountstuart, now of Ashestiell, and Katherine Anne, married, 5th January 1860, Laurence W. M. Lockhart, second son of the late Rev. Laurence Lockhart, D.D., of Milton Lockhart. Mrs Katherine Anne Lockhart died 11th February 1870, leaving four children—Mary Katherine, born 25th November 1860; Laurence Archibald, born 24th November 1861; Louisa, born 26th March 1864; and James Douglas, born 4th August 1866.

Janet, second daughter of Professor John Rutherford, by his second marriage, was born on the 24th January 1753. By her nephew, Sir Walter Scott, she is described as “an amiable and accomplished woman.” She died subsequent to 1808.

Christian, third daughter of Professor John Rutherford by his second marriage, was born 6th October 1759. She was the early adviser and deeply attached aunt of the Author of “Waverley.” She died at Edinburgh on the 17th December 1819.

Of the five sons of Professor John Rutherford and Anne M’Kay, John, the eldest son, born 22d November 1745, died young and unmarried. William, the third son, born 11th February 1754, died at the age of four months. Robert, the fourth son, born 17th August 1755, and James, the fifth son, born 23d October 1756, died young.

Daniel Rutherford, second son of Professor John Rutherford,

was born on the 3d November 1749. Prosecuting medical studies at the University of Edinburgh, he early discovered the existence of a gaseous fluid, now known as nitrogen gas. Having extended his professional knowledge by passing three years on the Continent,* he commenced the practice of physic in his native city. He was, in 1786, elected Professor of Botany in the University of Edinburgh. Afflicted with hereditary gout, he expired suddenly on the 15th December 1819. He married, in December 1786, Harriet, youngest daughter of John Mitchelson, Esq. of Middleton, by whom he had two sons and three daughters.

John Rutherford, elder son of Professor Daniel Rutherford, was born 10th October 1787. Sailing to India as a cadet in the ship "Lady Jane Dundas," on the 1st February 1805, he perished on board that vessel, which was wrecked in sight of land on the 5th day of the same month. He died unmarried.

Robert Rutherford, second son of Professor Daniel Rutherford, was born on the 22d February 1790. He was a Writer to the Signet, and Deputy Keeper of the Abbey of Holyrood. He died at Edinburgh, unmarried, on the 6th June 1866.

Anne, second daughter of Professor Daniel Rutherford, was born 7th May 1791. She died at Edinburgh, unmarried, on the 6th March 1871. Darcy Maxwell, third daughter, born 3d December 1802, died at Edinburgh, unmarried, on the 2d June 1871.

Margaret, eldest daughter of Professor Daniel Rutherford, was born on the 13th November 1788, and died 9th January 1867, aged seventy-eight. She married, 23d April 1823,

* When he was prosecuting his studies at Paris, he was invited to a supper party, at which Prince Charles Edward was expected. He declined the invitation, that he might avoid the spectacle of seeing the prince get drunk. He had no Jacobite proclivities, but respected the honour of a fallen house.

as his second wife, James Alexander Haldane, Esq., younger son of Captain James Haldane of Airthrey, by whom she had three sons and three daughters. Isabella Mitchelson, the eldest daughter, married, in 1848, Richard Burdon Sanderson of West Jesmond, Northumberland. Their two daughters, Elizabeth and Margaret Sanderson, were killed on the 21st January 1876, at the collision on the Great Northern Railway at Abbots Ripton. Mr Sanderson, who was much injured, survived till the 30th of April.

Adamina Duncan, second daughter of James Alexander Haldane and Margaret Rutherford, is unmarried. Helen, the third daughter, married Horatio R. B. Peile, Esq., and died 15th October 1873, leaving a son.

Of the three sons of James Alexander Haldane and Margaret Rutherford, Daniel Rutherford Haldane, M.D., eldest son, is a physician in Edinburgh; he married Charlotte Elizabeth Lowthorpe, by whom he has five children. George Oswald, second son, died young. James, the third son, is a chartered accountant in Edinburgh; he married Emily Sophia Grove, and has issue.

Mrs Anne Scott, eldest daughter of Professor John Rutherford, and wife of Walter Scott, W.S., died on the 24th December 1819. Her remains were deposited beside those of her kindred, in the dormitory attached to St John's Episcopal Church, Edinburgh. She was mother of thirteen children.* Of her three daughters, Anne, born 10th March

* In his fragmentary autobiography, written at Ashestiel, in April 1808, Sir Walter Scott remarks that he believed his parents had "no fewer than twelve children." In a letter to Mr Morritt, on the 16th May 1816, he writes: "My mother, now upwards of eighty, has now only one child left to her, out of thirteen whom she has borne." One child had died at or soon after birth, as twelve names only appear in the family register.

1759, and Jean, born 27th March 1765, died in infancy. Anne, second of the name, born in 1770, died 19th May 1801; her remains were deposited in the Greyfriars Churchyard.* Of a delicate frame and nervous temperament, she is by her illustrious brother thus described: "Her temper was like that of her brother's, peculiar. . . . But she was at heart an affectionate and kind girl, neither void of talent or feeling, though living in an ideal world, which she had framed to herself, by the force of imagination."

The four elder sons died in infancy. These were Robert, born 22d August 1760; John, born 28th November 1761; Robert (the second), born 7th June 1763; and Walter (the first), born 30th August 1766. Robert (third of the name), was born in 1767. He served first in the Royal Navy, and subsequently in the Marine Service of the East India Company. He was present in most of Rodney's battles; he left the Navy on account of having experienced hard usage from a superior officer. He indulged a mechanical turn, composed elegant verses, and excelled in relating tales of adventure. But his success was marred by a capricious temper. He died in India, unmarried.

John (second of the name), sixth son of Walter Scott and Anne Rutherford, was born in 1768. Joining the army, he served in the Duke of York's unfortunate campaign of 1797. Through the influence of Mr Canning, he was in 1809 appointed major of the second battalion of the 73d Regiment. Owing to feeble health, he retired from the army, and settled in Edinburgh. He died on the 8th May 1816, and on the 13th day of the same month his remains were deposited in Grey-

* Burial Register of Greyfriars Churchyard.

frriers Churchyard.* In 1811 he lent his brother Walter £2000, being half the purchase-money of the original farm of Abbotsford. His substance, which amounted to £6000, was at his death divided between Walter and Thomas, his surviving brothers. He is described by Mr Lockhart as "a sober, sedate bachelor, of dull mind and frugal tastes." He is the prototype of the veteran officer on half-pay in "*Paul's Letters*."

Thomas, eighth son, was born in 1774. He passed as a Writer to the Signet, but became embarrassed by engaging in farming, and other speculations. In the spring of 1810, Sir Walter secured for him an extractorship in the General Register House, with a salary of £250. On the duties of this office he had scarcely entered when the Commission of Judicature resolved to abolish his and many other similar posts. The Commission, however, recommended to Parliament a scheme of compensation for the discharged functionaries. In his "*Life of Scott*," Mr Lockhart enters into some details in reference to certain oppositions to the conferring of a pension on Mr Thomas Scott, and which culminated in a motion by the Earl of Lauderdale, in the House of Lords, that the pension should not be granted. Through the active friendship of Lord Melville the opposition was partially defeated, and Mr Scott was compensated for his abolished office by a pension of £100.

Thomas Scott sometime resided in the Isle of Man, and there prepared materials for a history of the island; he also held a commission in the Manx Fencibles. He was afterwards appointed paymaster of the 70th Regiment. He received £3000 on the death of his brother John in 1816,

* Greyfriars Burial Register.

and a similiar sum on his mother's death, three years afterwards. He died in Canada, on the 14th February 1823. Excelling as a conversationist, he was remarkable for his vivacity and humour. He possessed a brilliant fancy, and his literary powers were of a high order, but he unhappily lacked application. By some persons acquainted with his versatile abilities, he was credited with the authorship of "Waverley."

Thomas Scott married, in 1799, Elizabeth, daughter of David McCulloch of Ardwell, the representative of an old family in Galloway; she died 14th April 1848. Of this marriage were born one son and three daughters.

Walter Scott, only son of Thomas Scott, was born 23d June 1807. A considerable portion of his youth was passed under the immediate care of his uncle, Sir Walter, whom he much resembled physically, and also in intellectual vigour. At the age of seventeen he entered the service of the East India Company as a lieutenant of engineers. He attained distinction in the Mooltan campaign, and was, in 1861, promoted as major-general. In 1875 he became general. He died in Saxony, on the 19th March 1876.

Jessie, eldest daughter of Thomas Scott, was born on the 16th December 1801. She married, in 1819, Colonel Huxley, and died 10th February 1870, leaving a son, Thomas Scott Huxley, born 21st June 1822, and who is now rector of St Andrew with St Mary Bredman, Canterbury. He married, in 1857, Elizabeth Ferguson, only daughter of John Day, Esq., by whom he has a son, George Scott, born 21st June 1859.

Anne Rutherford, second daughter of Thomas Scott, was born on the 3d June 1803; she is unmarried. Eliza Charlotte, the youngest daughter, was born 5th September 1811.

She married, in 1835, Major Alexander Cumine Peat, C.B., by whom she has had three sons and two daughters. George, the eldest son, was born 15th September 1837; Walter Scott, the second son, was born 23d June 1839; he married, in 1871, Florence, daughter of Colonel Fagan; Godfrey Cumine, the third son, was born 1st March 1844. Elizabeth, the elder daughter, born 30th July 1841, married, in 1867, Rittmeister von Oppell, member of an ancient and noble Saxon family, by whom she has two children, Hans Alexander Max, born 28th October 1867, and Mary Monica, born 23d April 1869. Margery Alexandrina, younger daughter, was born 15th April 1847, and married, in 1873, R. N. Slight, Esq.

Daniel, ninth and youngest son of Walter Scott and Anne Rutherford, was born about the year 1775. Trained to mercantile pursuits at Edinburgh, he proceeded to Liverpool and thence to Jamaica, where, through the poet's influence, he obtained suitable employment. But he did not succeed, chiefly owing to his irregular habits. He returned to Edinburgh, where he died on the 20th July 1806. His remains were deposited in the Greyfriars Churchyard.

Sir Walter Scott was the seventh son of his parents. He was born at Edinburgh in a house belonging to his father at the head of the College Wynd on the 15th August 1771. He studied at the High School and University of his native city. In 1792 he passed advocate. He first appeared as an author in 1796, by publishing his translations of "Lenoré" and "The Wild Huntsman" of Burger. He published "The Lay of the Last Minstrel" in 1805, "Marmion" in 1808, "The Lady of the Lake" in 1810, and "The Lord of the Isles" in 1814. Appointed Sheriff of Selkirkshire in 1800,

he in 1806 obtained a principal clerkship in the Court of Session, receiving salaries from these offices equal to £1500 per annum. The romance of "Waverley" was issued anonymously in 1814; it was rapidly followed by "Guy Mannering," "The Antiquary," and others. After residing some years at Ashestiel, near Selkirk, the beautiful residence of his relative, General Sir James Russell, then in India, he purchased in 1811 a portion of land on the Tweed near Melrose, which he designated Abbotsford, and whither he removed to a mansion built from his own design, and which he added to at different times. In March 1820 he was created a baronet. When George IV. visited Scotland in 1822, he undertook the principal arrangements. By the insolvency of his printers and publishers, in 1826, he sustained serious reverses, being found responsible for the sum of £120,000. Determined to discharge his obligations, he worked with unabated energy, much to the injury of his health. In the autumn of 1831 he proceeded to Italy, in the hope of benefit, but returned to Abbotsford the following summer, without profiting by the change. He died at Abbotsford on the 21st September 1832. His remains were deposited in that aisle of Dryburgh Abbey which belonged to his ancestors, the Haliburtons. A massive block of granite is placed upon his grave.

Sir Walter Scott married, 24th December 1797, Margaret Charlotte Charpentier. Her mother, Charlotte Volere, belonged to an old French house; her brother, the Chevalier de la Volere, colonel of a Russian regiment, fell, it is supposed, in the campaign of 1813. Jean Charpentier, husband of Charlotte Volere, was *Ecuyer de Roi* under the old French monarchy, an office obtained by purchase; he also held an appointment in the University of Lyons. He died about the

commencement of the French Revolution; when his widow, under the care of the Earl of Hillsborough, afterwards second Marquis of Downshire, settled in London. During a Continental tour Lord Hillsborough had become intimately acquainted with the family, and spent some time under their roof. Hence on the death of the widow of M. Charpentier, which happened about the year 1790, he charged himself with the upbringing of her two children, a son and daughter. Through Lord Hillsborough's recommendation, the son, Charles Charpentier (who changed his name to Carpenter), received a civil appointment in India; he latterly became commercial resident at Salem, in the Madras establishment. He died in India in 1818, bequeathing £40,000 to his sister's family. Margaret Charlotte Charpentier, who was probably named after Lord Hillsborough's mother and her own, was, at the instance of Lord Hillsborough, educated under the care of Miss Jane Nicolson, daughter of Dr Nicolson, Dean of Exeter, and granddaughter of Dr William Nicolson, Bishop of Carlisle, the well-known author of the "Historical Library." She met her future husband at Gilsland Spa, Cumberland, and was married with the special consent of her guardian, then Marquis of Downshire. As a bride she is thus described by Mr Lockhart: "Without the features of a regular beauty, she was rich in personal attractions; 'a form that was fashioned as light as a fay's;' a complexion of the clearest and lightest olive; eyes large, deep set, and dazzling, of the finest Italian brown; and a profusion of silken tresses, black as the raven's wing; her address hovering between the reserve of a pretty young Englishwoman who has not mingled largely in general society, and a certain natural archness and gaiety that suited well with the accompaniment of a French accent. A lovelier

vision, as all who remember her in the bloom of her days have assured me, could hardly have been imagined." She died at Abbotsford on the 14th May 1826, aged fifty-three.

Of the marriage of Sir Walter Scott, Bart., and Margaret Charlotte Charpentier, were born two sons and two daughters. Walter, the elder son, was born at Edinburgh on the 28th October 1801. In his sixteenth year he joined the Selkirkshire Yeomanry Cavalry. In 1819 he became cornet in the 18th Regiment of Hussars; he subsequently joined the 15th Dragoons. In 1832 he succeeded his father as second baronet of Abbotsford. He proceeded to India in 1839 as lieutenant-colonel of the 15th Dragoons; he subsequently commanded that regiment. At Bangalore, in August 1846, he was smitten with fever, culminating in liver disease. Having sailed for England, he died on board the ship "Wellesley," near the Cape of Good Hope, on the 8th February 1847, aged forty-six. His remains were, on the 4th May 1847, deposited in the family aisle at Dryburgh.

Lieut.-Colonel Sir Walter Scott married, on the 7th January 1825, Jane Jobson of Lochore, daughter of William Jobson, a prosperous merchant. The family of Jobson owned and rented lands in Forfarshire; they subsequently traded at Dundee and London. Lieut.-Colonel Sir Walter Scott died without issue; his widow, Lady Scott of Lochore, resides in London.

Charles Scott, younger son of Sir Walter Scott, was born at Edinburgh, on the 24th December 1805. Having studied at Brazenose College, Oxford, he was appointed to a clerkship in the Foreign Office, and was subsequently attached to the embassy at Naples. Having accompanied Sir John Macneill as private secretary, on a mission to the Court of

Persia, he contracted in his journey through Asia Minor an inflammatory disorder, and died at Teheran on the 28th October 1841. By Sir John Macneill an appropriate monument was placed over his remains.

Anne, younger daughter of Sir Walter Scott, was born at Edinburgh on the 2d February 1803. On the death of her father, she received a pension of £200 on the Civil List. She died at London, unmarried, on the 25th June 1833; her remains were consigned to the Harrow Road Cemetery.

Sophia,* elder daughter of Sir Walter Scott, was born at Edinburgh on the 24th October 1799. On the 29th April 1820, she married John Gibson Lockhart, whose history is intimately blended with that of his illustrious father-in-law. The family of Lockhart owned lands in the counties of Ayr and Lanark, in the reign of David I. (1124-1153). Sir Simon Lockard of Lee accompanied Sir James Douglas on his expedition to the Holy Land, bearing in a casket the heart of King Robert the Bruce. In Palestine he obtained the amulet known as the Lee penny, on which Sir Walter Scott has founded his romance of "The Talisman." From Sir Stephen Lockhart of Cleghorn, armour-bearer to James III., and head of the House of Lee, descended William Lockhart of Birkhill, whose second son was John Lockhart, D.D. This respectable clergyman, born 22d October 1761, was ordained minister of Cambusnethan in 1786, and translated to the College Church, Glasgow, in 1796; he died 6th December 1842, aged eighty-two. He married first, in 1786, Elizabeth Dinwiddie, by whom he had three sons, of whom the eldest, William Lockhart of Milton-Lockhart, was

* Sophia was named in honour of Miss Sophia Dumerque, sister of M. Charles Dumerque, a well-known surgeon-dentist in London, a native of France, and who befriended Lady Scott's mother on her first arrival in London; she was baptized Charlotte Sophia.

M.P. for Lanarkshire from 1841 till his death on the 21st November 1857.

Dr John Lockhart married, secondly, Elizabeth, daughter of the Rev. John Gibson of St Cuthbert's, whose maternal grandmother, Mary Erskine, was second daughter of Henry, third Lord Cardross, and sister of David, ninth Earl of Buchan. By his second marriage, Dr Lockhart was father of John Gibson Lockhart, who was born at Cambusnethan, Lanarkshire, on the 12th June 1794.

Having at the University of Glasgow procured a Snell exhibition, John Gibson Lockhart proceeded to Balliol College, Oxford, where he graduated with distinction. Adopting the legal profession, he passed advocate in 1816. His ancestor, Sir James Lockhart of Lee, was Lord Justice-Clerk in the reign of Charles II., and father of the celebrated Sir George Lockhart of Carnwath, Lord President of the Court of Session. In 1817 he became one of the founders of *Blackwood's Magazine*; he was appointed editor of the *Quarterly Review* in 1825, and continued to act in this capacity for twenty-eight years. Among his works are his "Translations from Spanish Ballads," a "Life of Napoleon Buonaparte," and the novels "Valerius," "Reginald Dalton," "Adam Blair," and "Matthew Wald." His "Life of Sir Walter Scott" has secured him a first place among biographers. Mr Lockhart died at Abbotsford on the 25th November 1854, at the age of sixty-one. His remains were deposited in the family aisle at Dryburgh. Mrs Sophia Lockhart died on the 17th May 1837; her remains rest in Harrow Road Cemetery, London.

Of the marriage of John Gibson Lockhart and Sophia Scott, were born two sons and one daughter. John Hugh Lockhart, the elder son, born in February 1821, was the

Hugh Littlejohn of Sir Walter Scott's "Tales of a Grand-father;" he died on the 15th December 1831, in his eleventh year. Walter Scott Lockhart, the younger son, born 16th April 1826, became a lieutenant in the 16th Lancers. Succeeding to the estate of Abbotsford on the death of his uncle, the second baronet, in 1847, he assumed the name and arms of Scott. He died at Versailles on the 10th January 1853. Charlotte Harriet Jane Lockhart, only daughter of John Gibson Lockhart and Sophia Scott, was born on the 1st January 1828. She married, 19th August 1847, James Robert Hope, Q.C., who, on her succeeding to Abbotsford, in 1853, assumed the family name of Scott.

The family of Hope—so called from *Hope*, a Saxon word signifying a sheltered or detached portion of land—is of considerable antiquity. Adam le Hope and John de Hope, Scottish barons, swore fealty to Edward I. in 1296. Edward Hope was a leading citizen of Edinburgh in the reign of Queen Mary; his grandson was Sir Thomas Hope of Craighall, the famous lawyer and King's Advocate. Charles Hope of Hopetoun, great-grandson of Sir Thomas Hope, was, on the 5th April 1703, created Earl of Hopetoun. He married, in August 1699, Lady Henrietta Johnstone, only daughter of the first Marquis of Annandale. Their eldest son, John, second Earl of Hopetoun, was born in 1704, and died in 1781. He had, as his third wife, Lady Elizabeth Leslie, second daughter of Alexander, fifth Earl of Leven and Melville, by whom he had two sons. The second son was General Sir Alexander Hope, G.C.B., sometime Governor of Chelsea Hospital, and Member of Parliament, who was born 1769, and died 1837. The general's third son was James Robert Hope of Abbotsford.

To Mr Hope Scott were born, by his wife, Charlotte Harriet Jane Lockhart, a son and two daughters. Walter Michael, the only son, was born 2d June 1857, and died 11th December 1858. Margaret Anne, the younger daughter, was born 17th September 1858, and died 3d December of the same year. Mrs Charlotte Hope Scott died at Edinburgh on the 26th October 1858, aged thirty.

Mr Hope Scott married, secondly, 7th January 1861, Lady Victoria Alexandrina Howard, eldest daughter of Henry Granville, fourteenth Duke of Norfolk, by whom he had two sons, Philip, born 1868, who died young, and James, born 1870; also four daughters, Minna Margaret and Catherine, twins, Josephine Mary and Theresa Anne, of whom Catherine died the day of her birth. Lady Victoria Hope Scott died in 1870. Mr Hope Scott died on the 29th April 1873.

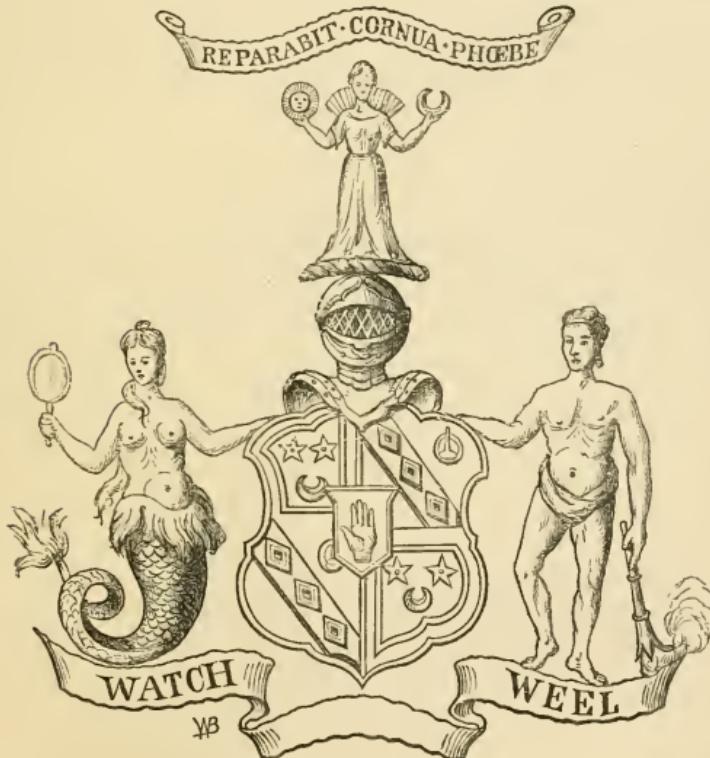
Mary Monica, elder daughter of James Robert Hope Scott by his first wife, was born on the 2d October 1852. She succeeded to the estate of Abbotsford in 1873, and, on the 21st July 1874, married the Hon. Joseph Constable Maxwell, third son of William, thirteenth Lord Herries, by Marcia, eldest daughter of the Hon. Sir Edward Marmaduke Vavasour, Bart. The family of Maxwell has a remote origin. In the possession of Sir William Stirling Maxwell, Bart. of Pollok, is a charter from King William the Lion to Robert, son of Maccus, of part of Lessudden, in Roxburghshire, comprised in the barony of Maccusville, and which had belonged to Herbert Maccusville. In different parts of Scotland descendants of the family of Maccusville or Maxwell obtained lands. Sir John de Maccuswell, eldest son of Herbert de Maccusville, was Great Chamberlain of Scotland, and acquired the barony of Caerlaverock, in Dumfriesshire. He is repre-

sented by Marmaduke Constable Maxwell, fourteenth Baron Herries.

The children of the Hon. Joseph Constable Maxwell Scott and Mary Monica Hope Scott of Abbotsford, are Walter Joseph Maxwell, born 11th April 1875, and Mary Josephine Maxwell, born 5th June 1876.

The arms of Sir Walter Scott, registered on the 12th January 1822, are as under :

First and fourth, or, two mullets in chief, and a crescent in base, azure, within an orle of the second. Second and third,



or, on a bend, azure, three mascles of the first, in sinister chief point a buckle of the second, for Haliburton of New-

mains; in surtout the badge of baronet. Crest: a nymph richly attired, holding in her dexter hand the sun, and in her sinister the moon, all proper. Mottoes: above the crest, *Reparabit cornua Phœbe*; below the shield, *Watch weel*. Supporters: on the dexter side a mermaid holding in her dexter hand a mirror, all proper; and on the sinister a Moor proper, banded and cinctured, argent, holding in his sinister hand a flaming torch reversed proper.

MEMORIALS

OF

THE HALIBURTONS.

EDINBURGH:

PRINTED BY JAMES BALLANTYNE & COMPANY,
At the Border Press.

1824.

PRELIMINARY NOTICE.

THIRTY copies have been thrown off of these Genealogical Memorials, intended only to gratify the wish of some respectable friends of the present possessor of the manuscript, whose families are mentioned. It regards a name now totally extinguished, as connected with property, or existing only through female representation, with the single exception of David Haliburton, Esquire, of Muirhousetaw, a person well fitted, from character and circumstances, to uphold the memory of an ancient race.

The original manuscript is a family register, kept by the Lairds of Newmains, representatives of the Haliburtons, Barons of Mertoun, beginning about the middle of the seventeenth century, and continuing down to the period when their possession of the small estate terminated, by Robert Haliburton, the last possessor of the name, and the last male of the family, selling the property, in 1766, to —— Todd, Esq., from whose representatives it was purchased by the present Earl of Buchan, and forms the estate now termed

Dryburgh Abbey. The only possession which remains to the descendants of the Haliburtons, so long settled in this place, is the DOMUS ULTIMA, their burial aisle in the chancel of the Abbey Church, of which there is prefixed a sketch from the pencil of James Skene of Rubislaw.

The Barons of Mertoun were considerable proprietors, and made some figure in Border history. Their cadets of Newmains seem to have been chiefly distinguished by their manly defence of their rights against the encroachments of their spiritual superior; and latterly, by their unblemished and unpretending worth and honesty. Their various connections, however, with families which, more fortunate than theirs, still exist and flourish in high respectability, show that they held a fair station in the world, and the tradition of the country still remembers them as the “Good Lairds of Newmains.”

Robert Haliburton, last male heir of the family, and who sold the estate as already mentioned, died at Edinburgh about 1788. The representation of the family then devolved upon the late Mr Walter Scott, Writer to the Signet, eldest son of Barbara, sister of the said Robert, and the only child of his father, Thomas Haliburton, who had issue. Her marriage with Robert Scott, in Sandyknow, son to Walter Scott, who was himself second son to the first Laird of Raeburn, is noticed on p. 59, with an affectionate prayer for the blessing of their offspring, and notice of the birth of the said Walter Scott. The representation of the extinguished

families of Haliburtons of Mertoun and Newmains has now descended to Sir Walter Scott of Abbotsford, the eldest surviving son of Walter, Writer to the Signet, by his wife, Anne Rutherford, eldest daughter of Dr John Rutherford, Professor of Medicine in the University of Edinburgh, and one of the founders of the great medical school in that city, and of his first wife, Anne Swinton, daughter of Sir John Swinton of that ilk. Sir Walter Scott of Abbotsford was served heir to his grand-uncle, Robert Haliburton of Newmains, by a respectable jury at Selkirk, the 14th day of February 1820.

May God grant that the prayers of the excellent persons who have passed away, may avail for the benefit of those who succeed them !

ABBOTSFORD, *November 1824.*

DECLARATION
OF
THE PERSONS WITHIN NAMED,
ANENT
MUIRHOUSELAW'S DEATH.

[On the 57th page of the following Memorials, mention is made of the death of Thomas Haliburton of Muirhouselaw, in a rencontre, or scuffle, with his brother-in-law, George Rutherford of Fairnington. The particulars of this unhappy affray, one of many about the same period, when deep drinking, and the constant carrying swords, made men apt and ready for mischief, occur in the following examinations, of which the originals are in the Sheriff Court record of Roxburghshire. Thomas Haliburton of Newmains, present on this melancholy occasion, was nearly connected with both parties, being uncle to Fairnington, and a near kinsman to the slaughtered Muirhouselaw. There is a constant tradition, that the matter was huddled up in a way more favourable to Fairnington than could have been the case had the matter been brought to public trial.]

THE said day and place, upon application made to John Simpson of Sharplaw, Sheriff-Depute of Roxburgh, Thomas Rutherford of that Ilk, Thomas Haliburton of Newmains, and Mr Mark Dunkison of Greatlaws, three of the friends and kinsmen to the now deceast Thos. Haliburton of Murehouslaw, for taking all the information and precognition anent the way and manner of the said Thos. Haliburton's death, and the circumstances relating thereto. In the first

place, the said John Simpson, Sheriff-Depute forsaid, caused conveen before him the persons under written, viz.—George Rutherford of Farnington, Alexr. Hog, servitor to the defunct, and John Douglas, servitor to Farnington, who compearing personally, and being examined upon the said matter of fact, they and ilk an of them made the seal declarations in manner under wrine as follows, viz.—George Rutherford of Farnington declares, that yesternight, about twelve of the clock, or thereby, the defunct and declarant coming from Jedburgh, in company together with their own servants homeward, in the common rode betwixt Bonjeddart and the Water of Teviot, the said George declares he saw the defunct dismount from his horse and run doun a furr of land for a little piece, but the night being dark, could not see him, but heard him say that he had given himself the wound; and further declares, that no warm words or rude expressions past betwixt the defunct and declarant in the way home, to the best of my knowledge. In testimony whereof I have signed this declaration, day and place forsaid. *Sic subtur.* G. RUTHERFORD, JOHN SIMPSON.

Alexr. Hog, servitor to the defunct, being examined, declares, That Farnington and the defunct Murhouslaw came from Jedburgh together, in company with their two servants, in a peaceable manner, without giving provocation to on another untill they cam to the said common rode which leads from Bonjeddart to Teviot Water, att which place some words past betwixt the defunct and Farnington about a well.* Whereupon Farnington desired Murhouslaw to light if he was a man; and immediately Murhouslaw dismounted from his horse, and drew his sword, as likeways did Farnington

* The fatal cause of quarrel was a disputed boundary.

dismont and draw his sword at the same time; and declares that Farnington neuer push'd at Murehouslaw, but that Murehouselaw offered to strike at Farnington, but the declarant stop him from striking Farnington; and furder declares, that he took the swords from them both, and kept them in his hands for som time; but that Murhouslaw came to the declarant, and took the sword out of his hand; thereafter rane doun the furr of land a little peace, with the drawn sword in his hand, att which time the defunct cried out to the declarant,—Sandie, I have stogd myself in the leg; bring me my horse, for I am gone.—And declares that Farningtoun deliuered the declarant his sword peaceably, and did not call for it again till Murehouselaw was near dead. *Causa Scientia.* He declares that he was waiting on his master the defunct, and that he came from Jedburgh yesternight in their company, about twelue att night. And I have signed this declaration, day and place forsaid. *Sic subtur.* (Signed) ALEXR. HOG, Jo. SIMPSON.

The said John Douglass declares he saw Farningtoun light off his horse, and that the horse rane away, and the declarant pursued after the horse, but knows nothing else of the matter. Declares he cannot write. *Sic subtur.* (Signed) JOHN SIMPSON.

We, the physician and surgeons under subscriving, being called att the desire of the relations of the deceast Thomas Haliburton of Murhouslaw, for to discover and cognose his wounds, and take inspection of his body, having made very narrow search, can find nothing either of fracture in his skull, nor other thing preturnaturall about his head, and having also viewd the trunk of his body, or whole thorax and abdomen, can perceive nothing either of wound or hurt ther. But

upon enquirie, we discovered a wound in his left leg, about four inches beneath the joynt of his knee, on the outside the orifice thereof lies about an inch from the forepart of the tibia, which wound seems to have been given by a hollow-bladed sword, and upon search thereof by a prob, do find it to tend about three inches and a half downwards, directly poynting a little betwixt the tibia and fibbula. Upon the whole, we are joynlie of opinion that the wound of itselfe, had ordinary and timeous diligence been don towards it, might easily have been recovered, and the hemorhagy, which appears to have been the cause of his death, might very easily been stopt, and testimony that the above declaration is our real opinion, this is signed by us att Hairstanes, the 16th day of May 1716. *Sic subtur.* (Signed) JO. HALIBURTOUN, M.D.; ROBERT ELIOT, Chyr.; THOMAS DAUSON, Chyr.; JOHN SIMPSON, S.Dt.

THE COAT-ARMOURS

OF ALL THE

FAMILIES OF THE NAME OF HALIBURTON.

I. LORD HALIBURTON, or DIRLTON.

- Quarterlie, 1. O. on a bend az. 3 mascles of the first.
2. Bary of six O. and G.
3. Arg. on a bend G. and 4th as the first.

For his crest a Moor's head banded and tortile arg. Motto—*Watch Weel*. Supporters, 2 naked Moors banded about the head and middle tortile arg.—The 1st and 4th is his paternall coat. Second is thought to be the Cameron's arms. Third is that of Vaus Lord Dirlton.

That the Lord Haliburton bore mascles, appears by the blazons of an old illuminate book belonging to Henry Fraser Ross, herauld painter, which formerly belonged to Joseph Hume, An. 1654, and to James Workman, An. 1623, and has been an authentick record in the reigns of Queen Mary and King James VI.

As also by Pont's Book, who was provinciall of Louthian.

As also from two MSS. in the Lyon's Register; the one very old; the other, done by way of history of the names of Scotland, later.

There is to be seen in the hands of Mr Nisbet an old blazoning book, belonging to the Marquis of Louthian, where the Lord Haliburton's arms are done as in Fraser's book.

Lord Haliburton is now represented by Pitcurr; the first of which family was Walter Haliburton, a brother of the family of Dirlton; as appears by his original charter under the great Seall, be James, King of Scotland, of the lands of Gask, Kinrossy, two parts of Pitcurr, and Ballingaffe, in favours of Walter de Haliburton, son to Walter de Haliburton de Dirlton, and his heirs, upon the resignation of Katherin Chisholme, daughter to Alex^r de Chisholme, whom he had married. This charter is dated Febr. 16, 27th year of that reign.

What year this was, and in whose reign, I cannot tell, whether in King James First's, Third, or Fifth. I apprehend it to have been granted in the reign of King James the First; because we have at that time Walter Haliburton of Dirlton mentioned in our histories; so the 27th year of his reign, reckoning from King Robert's death, is the year 1433.

There is an indenture amongst Piteur's papers, betwixt the Lord Fenton on the one part, and Margaret Aird Lady Egglis and her son and appearand heir, Thomas Chisholme, on the other part, concerning the division of the lands of Gulas and Berlue, dated at Kinrossy in the year 1403; but from this no argument can be drawen.

II. Haliburton of Pitcur bears O. on a bend az. betwixt

3 boars' heads erased sab. As many lozenges of the first. An helmett befitting his degree. For his crest a negroe's head couped be the shoulders. Supporters, two wild cats. Motto, ——.

Nott. Mr Fraser's blazoning book gives Piteur mascles, not lozenges.

The boars' heads are the Chisholme's arms.

III. George Haliburton of Egliscairn, descended of the Lord Haliburton. O. on a bend waved az. 3 lozenges of the first. For his crest, a boar's head erected proper. Motto—*Majores sequar.*

William Haliburton, his second brother, gives the same, with this distinction: Bend waved on the upper, and in-grailed on the nether side.

IV. John Haliburton of Newmains, representer of the family of Myretoun. Or on a bend az. 3 mascles of the first in the sinister canton; a buckle as the second. For his crest, a stag gazing proper. Motto—*Watch Weell.*

That Haliburton of Mertoun bore mascles appears by the gravestone of John Haliburton, Baron of Mertoun, lying now at Driburgh.

That Newmainse's predecessors in Driburgh, as well as the Haliburtons of Murehouselaw, bore them also, appears by the lintell of the west window of Newmainse's house at Driburgh, built An. 1572.

From this it appears, that the Laird of Mertoun, now New-

mainse, bears truly Dirlton's arms, which no other family of that name does.

William Haliburton, first Laird of Mertoun, took the buckle as a mark of cadencie, because he was scutifer, *i.e.*, armour-bearer or carrier of the buckler to the Earle of Douglass, who, for his good services, gifted him the lands of Mertoun.

Haliburton of Murehouslaw, Cadet of Mertoun, now Newmainse, has not as yet matriculate his arms, but uses a seall with Newmains's arms without distinction.

[A blank of a page and a half occurs at this place in the MS., the next paragraph beginning at the top of a page.]

Sir Andrew Haliburton is slain at the battle of Poictiers, Balfour. in France, where King John of France was taken. Leslie Drafie. relates, that severall of our Scotch “non ultimæ nobilitatis viri in Franciam transfretarunt, qui Franco sub Gulielmo Douglassio militantes, prælio ad Pictavium cum Anglis conferto occubuerunt.”—Pag. 243. This battle was fought between the 1342 and 1363.

In the battle of Nisbetmoore, there was none of note killed Balfour. but Sir John Haliburton.—An. 1355.

“Duglassius, divisus in mediocres manus regionatim copiis : suos singulis duces, qui, per vices, vel hostium incursions prohiberent, vel ipse eos infestarent, dedit. Prima sors Thomæ Haliburtoni Dirltonii fuit: qui satis uberem ex hoste prædam, ex agris Bamburgo proximis, retulit.”—An. 1400.

Boethius calls this man Thomas Haliburton a Dirlton ; called in Hume's of Godscroft History, Lord Dirlton.

In the battle of Nisbetmore (the Scotch army commanded Balfour. by Sir Patrick Heyburn of Hailes), Sir John, and his brother Sir Thomas Haliburtons, were killed.—An. 1402.

Boethius calls these two brothers John and Thomas only, not knights.

Robert, the Governour, restored to his dignities and lands George, the traitorous Earle of March ; but before Archibald, Earle of Douglass, would consent thereto, and quyte the lordship and castle of Dunbar, he took for himselfe and heirs, for ever, seasine of the castle of Lochmabin and lordship of Annandale ; and because Walter Halyburton, Lord Dirlton, son-in-law to the Governour (having married his daughter Isabell, Countess of Ross), did mediat the reconciliation betwixt the Governour and the Earle, for his he had

Buchan.
pag. 305.

40^{lb} land of Brigeam ere the Earle could gett his pardon past.—An. 1409.

Boeth.
Drafie.
An. 1417. William Haliburton surprised the castle of Warek, and put all the garrison to the sword; but, not long after, some of the English entered the castle by the conduit that lies betwixt that castle and Tweed, and opened the gates, whereupon more entered, and in reprisall putt all to the sword.

Drafie. Sir John Haliburton went to France with John Stewart, Earle of Buchan, and Archibald Douglass, Earl of Wintoun.

Drafie. An. 1422. Sir John Haliburton killed at the battle of Cravant, in Burgundy.

Balfour. An. 1424. King James I., in his first Parliament, arrested Murdoch, Duke of Albany, his cousin, with 27 others, one whereof is Walter Haliburton of Dirlton.—Hume of Godscroft.

Balfour. An. 1525. King James V. made choice of the Lord Halyburton for one of his counsellours.

Balfour. An. 1437. King James II. made choice for one of his counsellours of Walter Haliburton, treasurer.

Buchan. “Pro rex Scotorum veritus, ne, si ipse tanto circumstrepente undique tumultu nichil moliretur, animos suorum labefactatos penitus dejiceret, Brochteam arcem obsedit, ac post tertium fere mensem nulla memorabili re gestâ suos abduxit, relicto cum centum equitibus Jacobo Haliburtono juvene impigro, qui vicina loca infesta redderet, et commeatus terrestres in Brochteam: et præsidium, quod in colle vicino Angli communierant, inferre prohiberet.”—An. 1548.

Leslie relates the same.

Balfour. James Haliburton, provest of Dundee, recovered Broughty Castle from the English.—An. 1550.

Balfour. An. 1563. When Queen Mary past the act of indemnity,

amongst those that were named to judge who were to have the benefite thereof was Mr James Haliburton, tutor of Pitcur, and provest of Dundee.

An. 1558. “Regina, Jacobum Haliburtonum, Taoduni <sup>Buchan.
p. 533.</sup> Præfectum, jussit Paulum Meffanium comprehensum ad se mittere: verum is, ab eodem præfecto admonitus, ut temporis paulum cederet, oppido excessit.”

This James Haliburton subscribes the first book of Discipline.—An. 1560.

“Prorege Mattheo Stewarto Leviniae Comite.—Igitur Patricio Lendesio, et Gulielmo Ruveno supremi Ordinis, et Jacobo Haliburtono, Præfecto Taoduni, præmissis, ut, quanta possent celeritate, assumpta juventute Taoduni et Perthii, rumores prævenirent.”

“Vespere, cum Regii, victoriâ laeti, se reciperent, Jacobus <sup>Buchan.
p. 694.</sup> Haliburtonus, vir bonus, ac rei militaris peritus, qui omnibus peditum copiis præerat, cum ab agmine suorum, quod cogebat, longiuscule abesset, a turma equitum, cum dubia luce, cuius partis essit, dignosci non possit, in compito quodam exceptus, in urbem ductus est.”

An. 1560. “In hac trepidatione, certa clades omnibus <sup>Buchan.
p. 546.</sup> imminiebat, nisi duces, æquato cum ceteris periculo, ex equis descendissent. Cum illis, pudor multos retinuit: in his, fuit Alex^r Haliburtonus, Centurio, juvenis strenuus, et in causa Religionis instaurandæ acer. Is cum, gravi vulnere accepto, in manus hostium venisset, multis ab eis plagis lethaliter sauciatus, brevi post moritur.”

ADDENDA.

Boeth.

A little before the battle of Duplin, William Ramsie of Dalhousie, made an inroad into England, and in his return was attacked, and John Haliburton, one of his company, killed.

In all our histories we never find any family of the name of Haliburton, but that of Dirlton. What these Sir Thomas, Sir John, Walter, and John Haliburtons, knights, were,—whether the predecessors of Thomas Haliburton, designed of Dirlton, or of some other family in Fife, or elsewhere, I cannot determine.

When the Family of Dirlton were made Lords.

In order to discuss this question, it is necessary to premise something concerning the originall of that title in Scotland.

Craig, in his book *De Feudis*, p. 79.—“ In the beginning they were only Barons, but the name of Lord came from hence: all Barons were obliged to give their presence in Parliament, but when they were all there, it being impossible to collect their suffrages because of their multitude, one or two were chosen from every province to treat with the king about the affairs of the kingdom. At first those of the greatest dignity and experience in affairs were delegated and called by the name of Lords; but after ages growing more degenerate, and parliaments becoming more frequent, because most controversies were decided in them, the lesser Barons

were not able to bear the charge of attending; and hence it came to pass, that those who had most riches were delegated instead of those who had most experience; and so those richer Barons retained that dignity during life. And as mankind is always prone to flattery, they retained the name when the parliament was up; and their heirs, being possessed of the same estates, were unwilling to part with the name."

Hence it is yt we find the Haliburtons called by some Lord, by others Laird, of Dirlton or Haliburton.

The first in our historie designed Dirlton is Thomas Haliburton; called by Buchanan, Thomas Haliburton Dirltonius; by Hector Boethius, Thomas Haliburton a Dirlton; and Hume of Godscroft, who has it from the Book of Paslie, calls him Lord Dirlton.—An. 1401.

Next is Walter Haliburton, called by Balfour, Lord Dirlton, 1409; afterwards in An. 1424, called Walter Haliburton only; by Hume of Godscroft, Lord Dirlton.

And, lastly, we have Lord Halyburton, by Balfour, one of King James the Fifth's counsellours.—An. 1525.

This Lord Haliburton, or his son, having had no sons, his three daughters were heirs portioners; eldest q^rof was married to John, Earl of Gowrie; one to George Ker of Faldoun-side; and one also to the Earl of Hume: so here is an end of that family.

Earl of Gowrie, as having married the eldest daughter, bore the Haliburtons' arms quarterly.

HALYBURTON, or HALIBURTON:—The originall of this name is uncertain; probably at first they've been only Burtons, and come from England with Malcolme Kenmore, or with Edgar Atheling, about the year of our Lord 1160; but since

there can be nothing determined as to its etymology, but what is conjecturall, I shall pass it.

I find none of y^t name in any MS. untill the year 1250.

[*Cartulary of*] * *Kelso.*

In the Cartulary of Kelso, a MS. to be seen in the Advocats' Library at Edin^r, I find severals of y^t name, either donators, confirmers of, or witnesses to donations.

- Fol. 52
of the said
Cartulary.
1. Confirmation be Philippus de Haliburton, son of Willemus de Haliburton, miles, of the lands of Melorstane, granted be David Graham, and umq^u Ada de Fauns, his mother's brother, to the Abbacy of Kelso; as also a grant be the s^d Philippus of the old bridge on the rivulet of Blackburn.

- Fol. 58.
2. Carta super pastura foed. de Molle, by Richard de Lincolne, dated An. 1250, Dominus Henricus de Halyburton, miles, testis.

Super 4 acras terræ in tenemento de Molle. Ada de Roule et Johanna Wyschard sponsa sua filia et hæres quondam Henrici de Halyburton militis †—

Carta super quasdam possessiones in territorio de Molle per Wilhelmum de Vesa. Henricus de Haliburton testis.

- Fol. 71.
3. Carta super terras et libertates in tenemento de Molle per Henricum Dominum de Haliburton, confirming the grant

* The words in brackets are not in the MS.

† The sense is here imperfect in the MS.

of Cecilia, daughter of Eschrew Domini de Molle, and Gilbert Avenell, miles, her heir, to the s^d abbacy, An. 1270.

4. Carta Eustachi de Vesa de xx solidis in molendinum de Sproustoun, fol. 85. Waltero de Halyburton teste.

5. Carta confirmationis super ecclesiam de Haliburton per Fol. 107. Davidem filium Domini de Truce,* et altera super Capellam de Halyburton per eundem, fol. 107.

Confirmatio super Capellam de Halyburton per Philippum de Halyburton, teste Henrico de Halyburton, milite.

6. Resignatio super jus et clameum in Capellam de Haly- Fol. 108. burton per Philippum de Halyburton, An. 1261.

Resignatio super terram q^m Adam Long tenuit in territorio de Home; Domino Henrico de Halyburton teste.

Cartulary of Driburgh.

Wilhelmus de Vallibus grants the patronage of the Kirke No. 22. of Golyne to the Abbacy of Driburgh.

Joannes de Vallibus his son, confirms the fores^d gift, in King Alexander's reign.

Wilhelmus de Vallibus, for the liberty to build a chappell No. 29. at Dirlton, gives the nomination of the chaplane to the Viccar of Golyne. And this chaplane was suspended or deposed by the viccar; and gave yearly as an acknowledgment to the s^d viccar, 1 lib. of frankincense.

Confirmatio de Snalldoun cum pertinentiis, per Joannem Maitland Dominum de Thirlstane, filium Roberti Maitland

* This name, *De Truce*, is written very indistinctly in the MS.

quondam Dominum ejusdem, ecclesiae St Mariæ de Driburgh.
Fol. 98. Henrico de Haliburton, milite, teste.

Confirmation be Patrick, Earle of March, of all the donations made be his predecessors to the Abbacy of Driburgh; Henrico de Haliburton, milite, teste, An. 1318.

Carta Wilhelmi de Felton super uno burgagio in villa de Roxburgh et 10 solidis ibidem annuatim levand. Richardo de Rutherford Domino ejusdem teste.

Wilhelmus Felton super prædictis burgagio et decem solidis annuatim; testibus Domino Ade de Halyburton, Richardo de Rutherford Domino ejusdem, Joanne Barnard Domino de Fairningdon.

From all which it appears, 1st. That Philippus de Haliburton, son of Wilhelmus de Halyburton, acquyred the lands of Melorstane from David Graham, and Ada de Faunes, his mother's brother, and that probably before the 1250.

2^o. That Philippus de Halyburton, An. 1261, bought, or otherwayes had right to, the lands of Haliburton, since he confirms the donations made formerly of the church and chappell of Halyburton, be Patrick, Earle of Dunbar, and one De Truce,* to the Abbacy of Kelso.

3^{io}. Henricus (probably Philip's son) Dominus de Halyburton, possessed the lands of Molle, since we have him confirming the grant of Cecilia, daughter of Eschrew Domini de Molle, and Gilbert Avenell, miles, her heir, An. 1270.

The other Halyburtons, witnesses, viz. Henricus de Halyburton, miles, Walterus de Haliburton, Dominus Henricus de Halyburton, Dominus Ade de Halyburton, have been of

* See preceding page.

Philippus de Halyburton, that first acquyred the lands of Halyburton, his family.

In order to let it be understood how and when they acquired right to the lands of Dirlton, it is fit to give some account of Vaus, Lord Dirlton.

VAUS is an English name. William the Conqueror banished all the friends of Edgar Atheling from England, An. ^{Malcolm III.'s reign.} 1066; amongst others Vaus was one. How he came to the lands of Dirlton, whether be grant or gift from King Malcolm,—for severals of these exiles had gift of lands from y^t king, as Leslie relates,—or otherways, is not certain.

It appears by the Cartulary of Driburgh, that Wilhelmus de Vallibus granted the patronage of Golyne to y^t Abbacy, which his son, Joannes de Vallibus, confirmed in King Alexander's reign.

Wilhelmus de Wallibus built the chappell of Dirlton.

Alexander de Wallibus Dominus de Dirlton, granted the 1st. land of Elbottle and Stadfield to the s^d abbacy, and confirmed all former donations.

Pope Gregory confirmed all the donations made be the s^d Vaus to the fores^d Abbacie. This must have been betwixt the 1214 and 1249; for we have Gregory IX. contemporary with King Alexander II., and Gregory X. with Alexander the Third.

One of the successors of Philippus de Halyburton, and his son Henricus Dominus de Halyburton, married the heiress of Lord Dirlton. This is clear, because Halyburton, afterwards Lord Dirlton or Halyburton, quartered the Vaus's arms, which were Arg. a Bend G.

At what time this marriage was, is very uncertain. That

it was betwixt the year 1270 and 1400, is undoubted; for in the 1400, we have Sir Thomas of Dirlton mentioned in our histories.

It seems probable that this marriage was betwixt the year 1270 and 1332, because then we have Sir Thomas Halyburton killed in the battle betwixt Mar, y^e prorex for King David Bruce, and Edward Baliol, near Perth, An. 1332. This Sir Thomas has been one of Sir Thomas of Dirlton's predecessors.

*A Relation of Severall of the Name of Haliburton mentioned
in our Scotch Histories.*

Hector
Boethius.

Sir Thomas Halyburton, killed in the battle betwixt Mar the prorex, in the reign of David Bruce, and Edward Baliol, near Perth, 1332.

Balfour's
Annals.
Boeth.

Sir John Haliburton, following the Earle of Murray, Gover-nour, adhered to King David's interest, An. 1336.

Drafie.
Eng-
Scotch
History.
Drafie.
Boeth.

Sir John Haliburton revolted from the King of England, and submitted to David, An. 1338.

Sir John Haliburton slain at the battle of Durham, where King David Bruce was taken prisoner. Buchanan makes this battle to have been fought, An. 1342; Leslie, 1348; Drafie, 1338.

Balfour.

Sir Walter Haliburton was killed at Durham, in England, where King David was made prisoner, 1346.

A SHORT HISTORY
OF THE
HALIBURTONS IN DRIBURGH.

THE old papers, those especially concerning the law-suit betwixt Abbot James Stewart and David Haliburton in Driburgh, have afforded the matter of this History ; which must needs be lame and incompleat, since our predecessors have neglected to transmit any account of themselves to their posterity ; and contracts of marriages, testaments, and bonds of provision, whereby not only the elder, but also all the younger children might have been particularly known, were not usual at those times amongst persons of small estates.

William Haliburton, descended, as is supposed, of the Lord Haliburton or Dirlton, by gift from the Earle of Douglass (in which gift the said William is designed *Scutifer suus*), for his good service to the said Earle in England, was infest in the lands of Myreton. At what time this William came of Lord Haliburton, or his predecessors, is altogether unknown. 'Tis thought, however, the two brothers, John and Hew Haliburtons, who had a quarrell against one Rutherford, protected by the Lord Colving, and who slew the s^d Lord and

Rutherford together, were some of his predecessors; since two brothers so named are not to be found amongst his successors.

Hector
Boethius,
An. 1417.

William Haliburton, who by surprise possessed himselfe of the Castle of Warcke, has been probably one of William of Mertoun's predecessors; but could not well be himself, since he lived in the year 1502, as appears by an instrument, where Ro^t Langlands dispones a tenement in Lawder to Oliver Edgar, reserving an annuity of five shillings Scots to William Haliburton of Mertoun.

Vid. Pro-
curatory,
and an In-
strument
of Re-
demption
of Lands
in Mer-
toun frae
the Laird
of Colding-
knows, be
Walter
Halibur-
ton, Laird
of Mer-
toun.

William Haliburton, of Mertoun, had four sons; Walter, who succeeded him, Laird of Mertoun, David, George, and William Haliburtons.

It can't be determined by any of the writs of this process, nor by any other I ever yet saw, whether David Haliburton in Dribburgh, or George in Murehouslaw, was eldest brother. In letters of Lawborrows against Abbot and Convent, being marked No. 6th in the Inventory, George Haliburton is named before David. But in the Submission, mark'd No. 10, in the Inventory, David is preferred to John, George's son; as also in the Procuratory, David and his five sons are named before John, George's son, and his brother's bairns; so that we have here the Haliburtons in Dribburgh twice preferred for those in Murehouslaw's once. The deference naturally due to uncles, who are in place of parents, might have been the ground of the Halliburtons in Dribburgh's preference to those of Murehouslaw, as well as their being principally concerned in the plea; so that no conclusive argument can be drawn therefrom.

I. DAVID HALIBURTON, in Dribburgh, married Euphane

Gledstanes, daughter to the Baron of Gledstanes, his too near kinswoman; and finding that his marriage, by reason of their propinquity, without the Pope's dispensation, could not be valid, he petitioned the holy See for to obtain the same, and procured letters from Cardinall Ludovic, dated at Rome 4 Ides of July, first year, Pope Julius the Second, that is, of our Lord 1503, directed to the Archbishop of St Andrews; where, after having narrated that David Haliburton and the said Euphane were but four degrees remote, and for all that had been married, he ordered the said Archbishop to dissolve the foresaid marriage, give 'em dispensation to marry anew, and declare their bairns to be procreat of the said marriage legitimate. But in regard by mistake the Cardinall's letter made 'em four degrees remote, whereas the one was only three, the other four, from the common stock, he obtained other letters from the Cardinall, dated 6 Ides July, second year of Pope Julius the Secoud, confirming his former to the said Archbishop, notwithstanding the mistake; in compliance wherewith, the Archbishop granted his dispensation, dated at Edinburgh, Nov. 23, 1504.

David had five sons, Walter, Thomas, James, Archbald, and Henry Haliburtons; as appears by the procuratory. He got assignation from his father to all the tacks he had of the Abbacie of Dryburgh. He possessed also, by vertue of a tack from the Earle of Home, the teynd sheaves of Mertoun, paying yearly therefore six chalder of victuall.—*Vid. Tack, dated 1527.*

'Tis proper in this place to give a short account of that plea, betwixt Abbot James Stewart and the Haliburtons;

since thereby we may not only learn what lands the Haliburtons at that time possessed in Driburgh, but may also observe with what force and vigour, by their unanimitie and concord, they withstood and opposed the powerfull insulting Abbot and his Convent.

No. I. in
the Pro-
cess.

James, Abbot of Driburgh, charges David Haliburton, there, to compear before the Councell at Edinburgh, 21st March, 1532, to answer for his wrongous intromission with,—

1. The corn-mill of Driburgh and her duties, with the mill-croft, extending to 100 merks yearlie, which they might have gott.

2. New orchard near the brew-house of the said Abbay; and a land and tenement within a orchard and yard, lying within the foresaid toun; and of three fore-houses and tailles contiguous; duties thereof extending to 40 lib. yearlie, and 9 kain fowlis at 9 pennies per piece.

3. Five merk lands in Mertoun; maills thereof extending to 5 merks money, 3 doz. fowlis; and ilk 5 years 5 lib. grassum, that is 20 sh. yearlie.

4. Common stable, corn-house, and closs of Driburgh; maills thereof 5 lib. yearlie.

5. Cutting, away-taking the wood and broom; defferring to pay the Abbot therefore; amounting yearlie to 10 lib.

6. Withholding to pay 12 bolls meall, yearlie, for the teinds of Mertoun.

And all that for the space of 8 years, extending yearlie to 105 merks, 56 lib., 12 bolls meall, 3 doz. and 9 kain fowlis.

II. For preventing, I warrant, the trouble, as well as charges of a law-suit, the Abbot, by his hand-writing, and David Haliburton, by his commission to his two sons, Walter and

Thomas, who compeared personally, submitted the whole matter to the King's Majestie; who, at Striveline, the 8th day of May, 1535, gave his decreet; mentioning, That whereas we have been advised, and knowing the saids gentlemen, the Haliburtons, to be leil and true honest men, long servants unto the said Abbay, and good Borderers against England; do therefore decree and ordain, that they shall be reposessed, and brouk and joyce the tacks and steedings they had of the said Abbay, payand the use and wont; and that they shall be good servants to the said Venerable Father, likeas they and their predecessours were to the said Venerable Father and his predecessours; and he a good master to 'em.

Upon which decreet, letters were raised to inputt the Haliburtons in their steadings, May 12th, same year.

In putting which letters in execution, they met with some opposition from the Abbot. For second letters of summonds are raised be the Abbot against the Haliburtons, for their wrongous, violent, and masterfull ejection, and outputting, be themselves, their servants, and accomplices, of the said Abbot,—

1. From the mill; for taking away the mill graith, to 10 lib. value; for lying still the said mill, to 40 lib. damage.
2. For skaith done to their tennents in Mertoun, extending to 40 lib.
3. For sowing the new orchard with bear after it had been tilled, harrowed, and sown with bear be them; loss 20 lib.
4. For stramping, eating wheat, hemp, leeks, onions, mustard, fruit-trees, within the yards and place of Driburgh, occupyed be Patrick Purves, Chamberlane; damage 20 lib.

Loss, in all, 80 lib. Scots.

III.

IV.

All this was done on the 12th of May, in putting the King's letters in execution.

- v. On the 22d of June, the Haliburtons procured letters from the King to the Councell, declaring how it had been submitted to him, and discharging 'em to meddle therein.
- vi. 14th July, the Haliburtons, dreading bodily harm of the said Abbot and his Convent, obtained letters of Lawborrows against them.
- vii. 12th of August, they presented the King's letter to the Councell, whereupon they referred the whole matter to his Majestie, and meddled no more therein.
- viii. 22d August, there were second letters raised on the King's decree to inputt the Haliburtons in their possessions, and to make good any loss they had sustained, and, upon refusall, to denounce the said Abbot to the horn; and, upon disobedience, on the 2d of September, they were accordingly denounced.
- ix. July 14, 1536. There was a submission subscribed by the Abbot and the Haliburtons of all compts and reck'nings, unto four Lords of Session, and the King as oversman, at
- x. Melross; and on the 18th of July thereafter, a procuratory signed be all the Haliburtons, to Walter and Thomas, David's sons, to appear in name of the rest, and decree given.

This submission reconciled all differences; and, to make it more sure, there was a marriage concluded betwixt Walter, David's eldest son, and Elizabeth Stewart, the Abbot's daughter, which was shortly thereafter solemnized.

Here is the end of this plea, carried on by both parties with all the art and heat imaginable, and decided at last in

favours of the Haliburtons, in spight of the Abbot, and all the interest and friends clergymen usually have.

We have no more account of David, wherefore we come to his sons.

WALTER HALIBURTON was married to Elizabeth Stewart, An. 1537. and had by her one daughter, named Elizabeth.

Thomas, finding that his brother Walter had no more children, and that his brother's inheritance would thereby fall into strangers, if not timely prevented, took opportunity to represent this to his brother; upon which there was a meeting of friends, where it was resolved that Walter's daughter should be married by their advice; that Thomas should pay her tocher-good, which at that time no doubt was condescended on; and that Thomas should succeed him in his lands and estate; whereupon Thomas took instruments, and required his brother's performance, Aprile 4th, An. 1559, at Driburgh.

After this, Elizabeth Haliburton was taken away by the Abbot, and married at Stirling to Alexander Erskeen, a brother, as it's said, of Balgony, at that time a servant to the said Abbot; which was taken in so bad part by the Haliburtons, that the Abbot and they could not live in peace together, till at length it was concludit by friends, that the Abbot should few to George Haliburton, Thomas's son, [and] the heirs-maill, these lands which appertained to his grandfather; and so George was the first fewar in Driburgh.

Alexander Erskeen gott by his marriage with Elizabeth, daughter to Walter Haliburton of Sheilfeild, all and haill the

Ralph.

lands of Nether Sheilfeild; as appears from a precept be David, Commendator of Driburgh, for infesting the foresaid Alexander in the saids lands, proceeding upon a charter of resignation be the said Walter, to whom these lands did appertain, dated 27th September, 1559. He had also by her four acres of land, with the pertinents; the New Orchard; one acre of Officer-lands, lying betwixt the Lochflat and Bemarsyde; a house and onsted, with a acre of land called Walker's Croft; a croft called Lye-Hill; a yard called Walwort's Yard; a yard called James Wallis; with two corn yards; as they are particularly designed in an instrument of seaseine be David, Commendator, to Alexander Erskeene and Elizabeth Haliburton, relative to a precept of the same date, be the said David, bearing to be contained in the end of a charter be him to the said Alexander. But beside all this, it is evident be David Commendator's charter, dated 1581, to the *foresaid Alexander Erskeen*,* that he had by her two yards in the Byregreen; a piece of waste land lying on the west side of the Mantlewall; also four acres farm land lying runrig in the toun of Driburgh; with an acre called the Cross-acre, and Hagg's lands; as also all and haill the eleven merk land in Mertoun. All which lands were disponed to the heirs of the said Alexander, failzeing heirs to be procreat of the said marriage.

This Alexander was the first of the Erskeens of Sheilfeild, who, as it appears by what has been just now said, had all his lands by his marriage with Elizabeth Haliburton. It argues, then, more of ingratitude than reason in the suc-

* These three words are under-scored, and on the margin of the manuscript the word *Ralph* is written, which seems to infer a doubt whether Alexander or Ralph be the Christian name of the Erskeen mentioned in the text.

sours of this Alexander to dispute the precedency with Newmainse; especiallie if it be considered, that George Haliburton, one of Newmainse's predecessors, had his charter of feu-farm from the Abbot, An. 1562; whereas Alexander Erskeen obtained not his till the year 1581. And Thomas, one of George's successors, had his charter under the broad seall after the generall surrender, An. 1634, whereas Sheilfield had not his till 1649.

II. THOMAS HALIBURTON, Walter's brother, and David's second son, was made principall forester of the wood of Driburgh by Abbot James Stewart, for his bypast faithfull and gratuitous service; for which he had paid him, yearlie, eight bolls bear, and the bark of all the trees cutt in the said wood. This is plain from an instrument, No. 3. in old papers.

Mr David Brodie, regular chanon and viccar of Gulane, dispones a house and yard in Driburgh, and gives 120 lambs, payable in three years, that is 40 lambs yearlie, with 40 lib. money, and cloths to the value of 20 lib. to Thomas Haliburton, in name of tocher with Elizabeth Pennie, aunt to the said Mr David, and spouse to the said Thomas.—An. 1539.

John, Commendator of Driburgh, grants to Thomas Haliburton, and Elizabeth, his spouse, a liferent tack of four onsteds and acres of land, payand for two of the saids acres merk's a piece, and for the other two, 20 sh. Scots each.—An. 1555.

Who this Elizabeth Pennie was whom Thomas married is not certain, but we find severalls of that name, particularly two, one Hew, the other James, Pennies, portioners in Driburgh; and also one Isabell Pennie, married to Andrew Riddle in St Boswells; as appears by a charter be the Com-

mendant of Driburgh to her in liferent, and her son Andrew Riddle in fee, of the mill and mill-lands in St Boswells, dated at Driburgh, May 10, 1579, whereto George Haliburton is witness. This Isabell has perhaps been a sister of our Elizabeth's.

By Dean William Watson Chamberlan's discharge, it appears that Thomas had in tack the following lands:—

	CH.	B.	P.
Teynd Acres in Driburgh, paying therefore of bear,	.	0	12
Ferm Land,	.	1	0
James Pennie, Barber's Land,	.	0	4
In all,	.	2	0
			4

And besides, the Whitsunday maill of Driburgh mill, ten merks; and for onsteds occupied be him, he paid 34 lib. 4d.

Thomas had six sons, George, Walter, Andrew or David, called Viccar of Gulane (he was grandfather to Alexander Haliburton that bought Innerleith), William, James, and Robert Haliburtons.

Henry Haliburton, David's fifth son, possessed the wester halfe of Fairningtoun, be vertue of the Young's tack. He was killed by George Rutherford of Fairningtoun, who was obliged by the Haliburtons to pay 60 merks for the said bloodshed, to Thomas, Henrie's son. But I shall give a more full account of this family elsewhere.

III. GEORGE HALIBURTON, son to Thomas, was married to Agnes Haliburton, daughter to John Haliburton of Murehouselaw.

David, Commendator of Driburgh, granted a charter of feu-farm to Elizabeth Pennie, Thomas's relict, in liferent, and to George Haliburton, her son, in fee, of the mill, mill lands,

and multures of the lands and teynds in the paroch of Mertoun, and parsonage teynds in Lessudden, belonging to the said monastery, as also of the Forester's acre and lie Malthouse-wallis, without any claim of right or intromission with the wood of Driburgh;—all and haill the Farm-lands in Driburgh; five-merk lands in Mertoun; with four acres of land in Driburgh, with houses and pertinents; and all to be holden of the said Commendator and his successors, abbots of the said monastery, for the yearly payment of 61 merks money, three dozen and a half poultry, and 21 threaves straw. 'Tis to be observed, that this charter is granted with the following provision, That the said Elizabeth Pennie, her son George, and their heirs, shall behave themselves so towards us, our factors and servants, especiallie Alexander Erskeen and Mr William Wilson, as not to molest or injure them, under the pain of loseing this present infestment. This clause seems to have proceeded from the Haliburtons' resentment of the injury done them by the Abbot, in Elizabeth Haliburton's marriage with Alexander Erskeen.

George, after this, in the year 1572, built a house for himselfe near the mill at Driburgh; and caused cutt the Laird of Mertoun's arms for himselfe and his wife Agnes upon the lintell of the west window of the said house.

In the year 1581, he obtained a charter from David, Commendator of the Milne-haugh and Chingill contiguous the New Orchard and Walker's Croft, as also of the parsonage teinds of the said Mill-haugh, and of five acres of land in Driburgh belonging to the said George, to be holden of the said Abbot for yearly payment of five merks.

King James the Sixth, An. 1585, confirmed both these charters in favours of George Haliburton.

George possessed, by virtue of a nineteen years' tack from Alexander Lord Hume, the teynd sheaves of the lands of Whitalls, Lady-Part, and Burngrange, with Nether Sheilfeild (whilk lands, as it is expressed in the tack, the said George and his predecessours had possessed thir many years bygone), for which he paid yearlie ten pound Scots. This tack commenced, An. 1587.

'Tis doubted whether Andrew Haliburton, named witness in a precept of *Clare Constat* be Sir John Turnbull to Walter Ker of Hirsell, dated at Driburgh, An. 1573, was a brother of George's or not.

George had two sons, James and John Haliburtons, but no daughters that we read of.

George lived till the 1606 year of our Lord.

IV. JAMES HALIBURTON, George's eldest son, was married to Margaret Haig, daughter to Robert Haig of Beemerside, as appears by their contract, signed at Beemerside and Driburgh 20th January, 1591, whereby Robert Haig binds himselfe to pay to the said James 700 merks money, and thirles the corns growing on the Mains and Lands of Beemerside to Driburgh Mill.

James had, by his wife Margaret, a daughter, named Margaret, in the year 1593, and a son, Thomas, in the year 1597, and two other sons, John and James.

George Haliburton entered into a contract with Ro^t Haig of Beemerside; by vertue whereof, George was to be infefted in the Mainse of Beemerside, and to possess the samen, ay and whill the lawfull redemption thereof be the payment of 1800 merks money. This was done in the year 1600.

It appears, by the bounds of the lands specified in the said

contract, that it was Nether Mainse, the same almost as presently possest by Newmainse, wherein George was infeft.

James Haig of Beemerside, in the year 1606, binds himself to observe and keep the foresaid contract in its haill heads and clauses, and finds Ralph Erskeen cautioner; and, in the year also 1609, he renews both the said contracts, and obliges himself to reiterate and confirm them, as also to infeft John Haliburton, George's secoud son, as assigney lawfullie constitute thereto, in the lands of Nether Mainse. For the performance whereof Thomas McDougall of Stodrig and David Pringle of Hownam are cautioners.

And now James Haig having abstracted his multures of the crop 1609, James Haliburton caused inhibite him the year thereafter. Whereupon matters were accommodate.

James died in the year 1613, as appears by a grave-stone lying in Newmains's buriall-place at Dryburgh.

John Haliburton, James's brother, was, An. 1610, as assigney to his father George, infeft in the lands of the Nether Mainse of Beemerside; which he possessed till the year 1622, when he disponed them to William Gledstanes; and the foresaid William made them over to Thomas Haliburton, portioner of Driburgh, in the year 1625.

He was married to Barbara Bruce, daughter to Ninian Bruce, brother to Archibald Bruce of Pousouls, and chamberlain in Dryburgh, by whom he had his son George. John, by this marriage, gott $\frac{1}{3}$ part of his father-in-law Ninian Bruce's lands, which he sold to Ralph Erskeen; and the said Ralph sold them, An. 1625, to Thomas Haliburton in Driburgh.

What became of John, his son George, and their posterity after this, I know not.

* This John died before the year 1625; for George, his son, portioner in D., grants a bond to Robert Milne, cobleman, for 20 lib. Scots, with consent of his curators, Thomas Halyburton, and John, his brother-german, and Andrew Home, portioner in Ridpath, dated 21st January, 1625.

V. THOMAS HALIBURTON, son and heir to James, born An. 1597, and but sixteen years old at his father's death, being, by reason of his minority and non-age, incapable to manage his affairs, he choosed for his curators William Ker appearand of Zair, Mr William Haig of Beemerside, John Haliburton appearand of Murehouslaw, and John Haliburton in Driburgh.

Margaret Haliburton, Thomas's sister, born An. 1593, was, on March 28, 1617, married to John Erskeen of Sheilfeild; and the said John, by the contract of the same date, for the payment of 2700 merks of tocher, is bound to infest the said Margaret in all his lands in Driburgh and Sheilfeild, with their pertinents, for her lyfe-rent, reserving only the principal house, yards, dove-coat, and office-houses, in Driburgh, to his heirs-male.

King James VI. having, An. 1587, annexed the hail temporality of the Kirke to the crown, he thereafter, An. 1605, granted and disposed by charter, under his great seal, to John, Earle of Mar, all the lands and baronies that pertained of old to the Priory of Inchmachom, and Abbacies of Driburgh and Cambuskenneth, which he united into one baronie, to be called the Lordship and Barony of Cardrose; which grant the Parliament holden at Perth, An. 1606, rati-

* This paragraph, which is written in the same hand on the margin of the MS., appears to have been inserted at a subsequent period.

fied and confirmed; so that by this erection of the Monastery of Driburgh into a temporall lordship, the Earles of Marr came to be superiours, in place of the Abbots; and by virtue hereof, John, Earle of Marr, granted a precept of *Clare Constat*, for infecting Thomas Haliburton, oye and heir to George Haliburton, in the lands and mill contained in the first charter, as also another precept for infecting him in the Mill-haugh; both dated 24th December, 1621.

Thomas was married to Marie Haliburton, eldest lawfull daughter to John Haliburton of Mertoun, as appears by their marriage contract, of the date 16th March, 1625; by which contract, Thomas is obliged, for the payment of 3000 merks money, in name of tocher-good, to infect and sease the said Marie in the just halfe of the mill and all his lands, for her life-rent. 'Tis to be observed, that the Laird of Mertoun signs in this contract *Mairton*; as also in a charter be Thomas Haliburton to Marie Haliburton of certain lands, in 1635, he signs *Mairton*, witnes.

Ninian Bruce, chamberlane to the Commendator of Driburgh, possessed 38 acres of land in the town of Driburgh, as also 21 acres more in the said town, in all 59 acres, with the pertinents, together also with the passage-boat, and fishing upon the water of Tweed; who having had no sons, infect his six daughters heirs-portioners in his lands.

John Haliburton, having right by his marriage with Barbara Bruce, Ninian's daughter, to $\frac{1}{3}$ part, sold it to Ralph Erskeen, who, An. 1625, resold it to Thomas Haliburton.

Jean and Mary Bruces, daughters to the said Ninian, dispone, with consent of Alexander Kirkton, spouse to the said Jean, and Thomas Alison, spouse to the said Mary, their $\frac{2}{3}$ parts in favours of Thomas Haliburton in Driburgh and

John Erskeen of Sheilfeild, to be equally divided betwixt them, An. 1630. So by this means, Thomas has right to two-sixth parts of the said Ninian's lands.

Thomas procured a charter of resignation in his favours under the great seal, relative to the generall act of surrender, of all and haill his mill and lands, which the said charter, bearing date 12th July, 1634, at more length specifies.

An. 1637, David Haig, of Beemerside, disponesthe lands of Over and Neither-Mainses, with Moroden, to Thomas Haliburton, whereof he obtained a charter under the great seal, dated 16th January, 1638. And at this time he took first the title of Newmaine.

Anno 1661, Thomas raised a process before the regalitie of Melross against the fewars of Lessuden for their thirle multures, amounting to six chalder victuall yearly; whereof, in regard they were distinct from the rentall boll payable to the tituler, and had been in use to be paid to the Abbot's mill, and whereto he had by his charter good right, he craved not only the payment in time coming, but all bygones resting unpaid. The year following, the fewars fearing lest a decreet be decerned against 'em, advocat; whereon there was nothing materiall done afterwards.

A more particular information of this business may be had from severall papers under Thomas's own hand.

Thomas had, by his wife Mary Haliburton, three sons, John, David, and William Haliburtons, and three daughters, Janet, Margaret, and Elizabeth.

Thomas Haliburton, of Newmains, died upon Thursday, 30th of January, 1673 years.

Mary Haliburton, his spouse, died upon the 7th day of June, 1667.

Margaret, his sister (vid. p. 38), had, with John Erskeen of Sheilfield, two sons, James and William Erskeens, and * daughters. She died, Saturday 12th of December, 1668, and her husband, John Erskeen, died on Monday 16th December, 1672.

James Haliburton, brother to the said Thomas, born An. , was cruelly murdered in Beemerside wood, after the following manner:—A partie of soldiers, consisting of 16 or 17, came from their quarters at Lawder, on the 15th of March, 1651, to Driburgh; where, after having committed many insolences, and particularly by wounding John Erskeen, and one of his sons, of the said partie, on their return, having been informed that Thomas Haliburton in Beemerside was in the wood, came to the top of the brae above the said wood; and, dismounting, two of them came down to the brae foot, where finding James Haliburton, brother to the said Thomas, and John, Thomas's son, notwithstanding their demanding quarter, attacked 'em, and at a second thrust killed James; whereupon John fled to his father Thomas, who was walking alone at a little distance in the said wood: the soldiers attacked 'em also, and thrust Thomas throw the cloak; whereupon the said Thomas gott in on him, and after much struggling, as well in as out of the water, had quarter granted him. But the soldiers, after they had carried him and his son to the top of the brae, in violation of their promises, by the assistance of their other two comrades they left there standing, after some blowes given, stript them, and let them go.

On the 17th of March, Thomas Haliburton went to

* Blank in MS.

Lawder, and complained to their officers; and, upon production of the whole regiment, pitched on the man that committed the murder, who thereupon was hanged.

John Haliburton, Thomas's third brother, born * ; married ; had one daughter named ; that died unmarried.

He was curator to his cousin, George Haliburton. He subscribes witness in severall of Souden rights. I find nothing materiall concerning him.

VI. JOHN HALIBURTON, son and heir to Thomas Haliburton of Newmainse, born An. , was, in An. 1666, married to Margaret Rutherford, second daughter to John Rutherford of Edzerstoun.

Janet Haliburton, Thomas's eldest daughter, was married to Walter M'Dougall, third brother to Henry M'Dougall, of M'Karstoun. By their contract, dated 19th day of October, 1661, he binds himselfe to be worth and have in readiness 5000 merks, and, upon the payment of 3500 merks by Thomas Haliburton of Newmainse, in the name of tocher, with his said daughter, he provides her yearlie, in life-rent, to the sum of 360 merks. In An. 1665, January 2, Walter M'Dougall died, leaving one son, Thomas, and a daughter, Margaret M'Dougall. After having disponed his moveables to his children, he named Henry M'Dougall of M'Karstoun, and Thomas Halyburton of Newmains, their tutors.

In the end of January, 1666, Thomas, Walter's son and appearand heir, died; as did also his daughter in February thereafter.

* These spaces all blank in the MS.

After Walter's decease, Janet lived at Driburgh and Beemerside till the 16th of March 1669 years, when she died also, and was enterred at M'Karston beside her husband.

Margaret Haliburton, Thomas's second daughter, was married to Mr John Greive, portioner in Lessudden, who by his contract, dated at Driburgh, 11th January, 1661, bound himself to be worth 9000 merks money ; and for the payment of 2500 merks, provided her to the annual-rent of 1000 merks during the minority of his children, and after their compleat age, to the annual-rent of the halfe thereof.

This Mr John Grieve afterwards bought the Pinnacle from Gideon Wauchop ; but, by the money he expended in carrying on law pleas, and mismanagement together, he was obliged to sell it to George Douglass of Friershaw.

Mr John had by his wife Margaret one son, James, and two daughters, Elizabeth and Jean. His son married against his friends' will, meanly, one Scot, at Edinburgh. His daughter Elizabeth was married to John Ker, of the house of Lochtour, an ill manager.

Notand. p. 25.—The original charter is granted be Archibald E. of Douglas, Lord Galloway, to Henry Haliburton of the 10 merk land in the toun of Mertoun, to be holden of the said E. blench, dated August, 1407 years.*

There is a retour, whereby William Haliburton is served heir to Isabel Haliburton, his mother, of a 10 lb. land in Mertoun, dated October 22, 1471 years.

This appears from Harden's old wrytes ; and William is not the first, but Henry.

* Page 2 in the MS.

[The MS. is now carried on in the hand-writing of *John Haliburton*, mentioned at page 42.]

The Lord removed my mother upon y^e eleventh day of June, i^{mvi} threescor seven yeirs.

It pleased God to call my Ante, Johne Erskine of Sheilfeild's wife, upon Saturday y^e 12 of December, 1668.

The Lord removed my sister Janet, relique of umq^{ll} Walter Mackdowgall, upon y^e sixteenth day of March, i^{mvi} threscore nyne years.

My brother-in-law, young Edzerstone, was removed upon Tuesday 27 August, 1672.

The Lord removed my father, Thomas Haliburton of Newmayns, upon Thursday 30 January, 1673 years, about two a-cloake in the afternoone.

Johne Erskine of Sheillfeild was removed upon Monday morning very early, the 16 of December, 1672 years.

The Lord removed my brother William upon Tuesday 4 February, 1673, about thre a-cloake in y^e morning.

My third daughter was removed before she was baptised, upon Fryday ninth of August, 1678, towards sixe a-cloake in the morning.

Johne Rutherford, Laird of Edzerstone, my father-in-law, was removed by death, Fryday y^e twenty-fyft of November, i^{mvi} eighty-one years; q^{lk} day Mr Jo^a Scott, minister of Oxname, was buried, who was a very honest man and kinde freind, and was removed y^e Tuesday befor, being y^e fytenthe day. The s^d Laird of Edzerstone's death was very sade to his friends (one of q^m they could not have a greater losse), and to y^e place of y^e country where he lived, as none but such as are his enemies could denye.

[The three following entries are in the hand of *Thomas Haliburton*, son and heir of *John*, the preceding writer, and appear to have been inserted afterwards, in addition to his father's memoranda.]

John Haliburton of Morehouselaw, was buried one the 26 of Aprile, i^mvii^c and four years, in the 74th year of his age.

Jean Pringle, Lady Morehouslaw, was buried on the 4th day of March, i^mvii^c and five years.

John Haliburton of Morehouselaw dyed suddenly at Edinburgh upon the tenth day of Nov^{br}, i^mvii^c and five years, and was buried there.

[The MS. is again continued in the hand of *John Haliburton*, the son of *Thomas*.]

I was married upon Thursday y^e 27 of December, being y^e day commonly called St John's day, in y^e year of our Lord i^mvi^c threscore sixe.

My daughter Barbara was borne upon Fryday y^e eightenee of December, betwixt ten and eleventh a-cloake at night; and was baptised upon Sunday y^e twenty day, at Merton church, in y^e yeir i^mvi^c threscore eight.

My sone Thomas was borne upon Tuesday y^e seventeenth of May, about five a-cloake in the afternoon, and was baptised upon Tuesday the seventh of June, in y^e yeir of our Lord i^mvi^c threscore tene.

My sone Johne was borne upon Sonday third of Marche, betwixt thre and four in y^e afternoone, i^mvi^c threscore twelve years. He was baptised upon Fryday the fyftenth day of y^e same monthe.

My third sone, Andro, was borne upon Sonday nynth of Marche, i^mvi^c seventy-thre, about thre or four a-cloake in y^e afternoone: he was baptised upon the seventh day of Aprille, the same year, at y^e Aby in Dryburghe.

My fourth sone, William, was borne upon Fryday y^e twenty-two day of May, i^mvi^c seventy-four years; he was cristened at Maxtone churche upon Tuesday y^e 14 of Jully, year forsd^d. Y^e reason why it was so longe betwixt his birthe and baptisme was, because y^e kirke of Merton was yⁿ in a maner vacante. It was, to our conjecture, betwixt thre and four in y^e afternoone qⁿ he was borne.

My second dawghter Margrat, was borne Thursday eight day of June, i^mvi^c seventy-six, as we conceav'd about eight a-cloake in y^e morning; and was baptised at my owne house in Dryburghe, Monday y^e twelvt day of y^e s^d monthe.

It pleased y^e Lord to remove this childe Margrat upon Monday the twenty-four of December, 1677, betwixt nyne and ten a-cloake in y^e forenoone; she was burried upon Wednesday, y^e 26 day of y^e monthe foresaid, in the afternoon.

My third dawghter was borne Sonday fourth August, 1678, about two a-cloake in y^e morning; and was removed by deathe befor she was baptised, upon Fryday nynth of y^e forsd^d monthe, towards six a-cloake in y^e morning.

My fyft sone, David, was borne Tuesday twelvt day, betwixt sixe and seven a-cloake in y^e afternoone, in y^e yeare 1679.

My forsaide fyft sone, David, was removed by death upon Saturday eightenth of December, towards eight a-cloake at night; and was buried upon Tuesday y^e twenty-first day of y^e monthe forsaide.

My second sone, Johne, was removed by deathe, Monday 16 of May, towards two a-cloake in y^e afternoone; and was buried upon Wednesday afternoone, y^e 18th of y^e monthe forsaid, in y^e year of our Lord i^{mvi^c eighty-one.}

My sixth sone, also named Johne, was borne Fryday y^e tenth of November, i^{mvi^c eighty-one; and was baptised Tuesday twenty-two of y^e s^d monthe, by Mr Andro Meldrume, at my owne house: y^e s^d Mr Andro was minister at Merton.}

My fourth dawghter, Elizabeth, was borne Saturday thirty day of December, betwixt sixe and seven a-cloake at night, i^{mvi^c eighty-two years; and was baptised upon Fryday fift of January, 1683 years. This was my tenth childe; six sones and four dawghters.}

My fyft dawghter, Mary, was borne Monday twenty October, i^{mvi^c eighty-four years; and was baptised in y^e Abby at Dryburghe the eleventh day of November thereafter. This was my eleventh childe.}

My sixth dawghter, Violet, was borne Monday twenty day June, towards seven a-cloake at night; and was baptised Thursday twenty-third day of y^e month forsd^d; who was my twelvt childe.

* The said Violet deceased of y^e small-pox and a fever, at the Park, Saturday y^e 28 of June, 1690, about 8 o'clock at night; and was buried at Dryburgh the last of y^e s^d month, being Monday, at night. On y^e day of her buriall, Cliftoun's youngest daughter, called Margar^t, deceased of y^e same sickness about 10 o'clock forenoon, and was buried in Morbattie 1st July.

* This is in the hand of Thomas Haliburton, the son.

* My eldest dawhter, Barbara, was maryed to George Rutherfoorde, younger of Farningtone, Thursday eleventh of Marche, i^mvi^c eighty-six years.

[The MS. is now carried on in the hand of *Thomas Haliburton.*]

My father, John Halyburton of Newmainse, deceased upon the thrid of March, being Munday, att night; and was interred ye Friday thereafter, i^mvi^c and eighty-eight years, att Driburgh.

Mr David Halyburton, my uncle, writer to his Majesty's Signet, who never was maryed, and to whose protection his brother's children, being all minors, was left, and discharged that office most dutifully, he was removed upon Thursday the 29 day of Aprile, betwixt six and seven of the morning; and was interred att Dryburgh upon Tuesday the fourth of May, i^mvi^c and ninety-seven years, being 58 years old.

Margrett Haliburton, Lady Pinnacle, dyed on the 8th of February, i^mvii^c and one years.

My father, John Haliburton, of Newmainse, heir male and representer of the family of Mertoun, who was maried to Margret Rutherford, second daughter to John Rutherford of Edgerstoun (his eldest being maryed the same day to Andrew Ker of Liteldean), was removed upon the thrid day of March, i^mvi^c and eighty-eight years, and interred in his burial place at Dryburgh, being 58 years of age; leaving all his children in minority, educat by our uncle and mother, who never maried again for the respect she had to her family and children.

* This in the hand of John, the father.

My mother, Margret Rutherford, second daughter to John Rutherford of Edgerstone, dyed upon the 24 day of Sept^r 1747, in the 97 year of her age; being married in her 16 year, and with her husband 22 years; and in widowhood 59 years; and had 12 children; and decently interred in our burial-place in Dryburgh, upon the 28 of Sep^r, year foresaid; ane virtuous woman, and kind to her children, and a widow in the 38 year of her age; not marryng for the good of her family.

I was marryed upon Munday, January y^e 13, i^mvii^c and one years, to Jannet Campbell, only daughter to Robert Campbell of Northwoodside, Dean of Gild of Glascow, of his second mariage, with Jean Dunlop, eldest daughter to James Dunlop of Garnkirk.

My second brother, Andrew Haliburton, writter to his Majestie's Signet, was marryed to Marrion Elliott, second daughter to Robert Elliot of Midlemiln, upon y^e eighteen day of Aprile i^mvii^c years.

My daughter Jean was born upon Wednesday the eight of July i^mvii^c and two years, betwixt seven and eight of the cloak in the morning; and was baptized the ninth day of the said moneth, att my house of Dryburgh, by Mr Robert Liver, minister of Mertoun.

My second daughter, Margrett, was born upon Teusday the thritten day of June, i^mvii^c and four years, betuixt nine and ten of the cloak in the morning; and was baptized the fifteen day of the said moneth, att my house of Dryburgh, by Mr Robert Edgar, minister of Maxtoun.

My thrid daughter, Barbara, was born upon Munday the

fourth day of March, i^mvii^e and six years, betwixt two and three in the afternoon ; and was baptized the seventh day of the same monneth, att my house of Dryburghe, by Mr George Byers, minister of St Bosswalls.

My son John was born upon Saturday the twentieth-second day of March, twixt eight and nine in the morning ; and was baptized the last day of the said moneth, at my house of Dryburgh, by Mr George Byers, minister of St Bossells, in the year of our Lord i^mvii^e and seven years.

My fourth daughter, Lilias, was born upon Saturday the eight of October, i^mvii^e and nine years, about eleven of the cloack at night ; and was baptized upon the ninth of the said moneth, at my house of Dryburgh, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my eldest daughter, Jean, upon Sabbath the twenty-thrid of December, i^mvii^e and forty-four years, twixt seven and eight at night, to the great grief of her parents, brothers, and sisters, and to all that knew her ; enjoyed a fine character, and affectionat to her parents, and brothers, and sisters, sympathizing much when any of them was in trouble ; having dyed at her brother John his house, at Edinburgh, was interred by him and her friends there in a decent and gentile manner, upon Wednesday the 26 of December, at three of the clock afternoon, in Grayfriers, beside her grandmother, for whom she was named.

It pleased God to remove my second daughter, Margret, upon Wednesday the thrid day of May, i^mvii^e and ten years, about ten of the cloake at night. She was buried in my buriall-place of Dryburgh, upon the fifth of the foresaid moneth, twixt five and six in the afternoon.

My fifth daughter, Margaret, was born upon Tuesday the

twenty-seventh of November, i^mvii^c and eleven years, twixt eight and nine of cloak at night; and was baptized the fifteen day of December, at my house in Dryburgh, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my fifth daughter, Margret, upon the 2d of Aprile, 1750; who was buried in my buriall-place of Dryburgh, upon the sixth of the foresaid moneth, at three afternoon.

It pleased God to remove my fourth daughter, Lilias, upon Wednesday the fifteenth day of November, i^mvii^c and fifteen years, about four in the morning. She was buried in my buriall-place of Dryburgh, upon the seventeenth of the foresaid monneth, about three in the afternoon.

My sixth daughter, Janet, was born upon Thursday the twelth of September, about two in the morning, i^mvii^c and seventeen years; and was baptized upon the sixteen instant, at my house in Dryburgh, by Mr George Byers, minister of St Bosswalls.

[The following entry is in a different hand, and seems to have been interlined afterwards.]

Janet Haliburton, daughter of the deceased Thomas Haliburton, dyed at Edinburgh, on the 28th of April, 1763.

[Continued in *Thomas Haliburton's* hand.]

My second son, Robert, was born upon Friday the fifth of September, i^mvii^c and eighteen years, about seven in the morning; and was baptized upon the tenth of the said monneth, by Mr George Byers, minister at St Bosswalls.



My dear wife, and nurse to me in my old age, Janet Campble, it pleased God to remove her upon Sabath, between four and five in the afternoon, being the 17 day of November, i^mvii^c and fifty-one years ; and interred upon Thursday the twenty-one day thereafter, in my buriall-place of Dryburgh ; whose death was much regretted, by the loss of so good and virtuous a wife to me, and her family, and by all her friends and acquaintance that knew her ; and may the Almighty God, who can only supply our loss, send us such a blessing as she was for the support of this family. Her last time in church was in attending the sacrament and communicating 2 weeks before. Praying God I may be prepared, and soon follow, and no more parting, hoping she is happy ; being now in the 82 year of my age, and she about 69.

[The two following paragraphs are in a more modern hand, the same as on page 51.]

Thomas Haliburton of Newmains dyed the 25th June, 1753, in the 84 year of his age, and was interred on Friday the 29th current, at his burying-place in Dryburgh. He was one of great honour and honesty, who made a good husband, a good father, and loved his friends so much, that he even did not regard his own interest when it was in his power to serve them. He had a very circumspect walk, charitable, just, benevolent, grateful, and sincere ; he was greatly lamented by all his friends, and all that had the happiness of his acquaintance.

John Haliburton of Newmains dyed the 26th April, 1754, and was interred here on Tuesday the 30th current, in the 47th year of his age, unmarried ; he was a merchant in Edin-

burgh to his business; his character was fair in that way, and honest towards all men.

[The MS. continued in the hand of *Thomas Haliburton.*]

My brother Andrew his eldest son was born upon Teusday the twenty-sixth of November, i^mvii^e years, being y^e seventh monneth, and the child dyed unbaptized.

His eldest daughter, Elizabeth, was born upon Wedensday the eighteen day of February, i^mvii^e and two years, betwixt one and two of the cloak in the morning.

His second son, John, was born upon the twenty-thrid day of September, i^mvii^e and three years, betwixt seven and eight in the morning, being Thursday.

His thrid son, Robert, was born upon Munday the fourth of September, i^mvii^e and four years, betwixt six and seven of the cloak att night.

His fourth son, Gilbert, was born upon Thursday the twenty-ninth of November, i^mvii^e and five years, betwixt six and seven of the cloak in the morning. And all the four foresaid children were baptized by Mr William Abercrumbie, minister of the Tolbooth in Edinburgh.

His fifth son, Thomas, was born upon Friday the thirtieth day of May, i^mvii^e and seven years, twixt two and three in the morning; and this child likewise baptized by the foresaid Mr William Abercrumbie.

It pleased God to remove the child Thomas upon the twenty-second day of November, i^mvii^e and eight years, about eight of the cloak at night; and was interred upon the twenty-thrid at Bouden church, in Midlmiln his buriall-place, having dyed there.

His sixth son, Andrew, was born upon Wedensday the twenty-eight of June, i^mvii^c and ten years, twixt eleven and twelve in the forenoon ; and baptized by Mr William Mitchell, minister of the Old Church at Edinburgh.

His second daughter, Margret, was born upon Saturday the seventeenth of November, i^mvii^c and eleven years, 'twixt twelve and one in the morning ; and baptized by the foresaid Mr William Mitchell. She dyed the twenty-sixth of November y^e said year, and was interred that night.

His seventh son, George, was born upon y^e fourth day of July, i^mvii^c and thirteen, at five of the cloack in y^e morning ; and was baptized by Mr William Mitchell aforesaid. He died upon the twenty-ninth of March, i^mvii^c and fourteen years, and buried in the Greyfriers churchyard at Edinburgh.

His eight son, Gawin, was born upon the fifteen day of October, i^mvii^c and fourteen, twixt the hours of six and seven in y^e morning ; baptized by Mr Nissbett, minister of the Old Church at Edinburgh.

His ninth son, William, was born upon the twenty-fifth day of June, i^mvii^c and sixteen years, and was baptized by the foresaid Mr William Mitchell, being born twixt nine and ten at night.

[The two following entries are in a different hand, which appears from other papers to be that of John Haliburton, clerk to Andrew Haliburton, W.S.]

His third daughter, Marion, was borne the fifteenth of October, i^mvii^c and seventeen, betwixt three and four in the afternoon, and baptized by said Mr William Mitchell.

His fourth daughter, Jean, was borne the twenty-seventh

of February, 1719, and baptized by said Mr William Mitchell.

[Continued in the hand of *Thomas Haliburton.*]

My brother John Haliburton, Doctor of Medicine at Jedburgh, was married to Christian Elliot, daughter of Simeon Elliot of Swinsyde, upon the twenty-ninth of Aprile, i^mvii^c and fourteen years, by Mr William Mitchell, minister of the Old Kirk at Edinburgh.

My brother John his eldest son was born upon Munday the sixteen of May, i^mvii^c and fifteen years, twixt six and seven at night; and was baptized by Mr M^cKay, minister of Jedburgh.

His second child, Jean, was born upon Saturday the twenty-seventh of October, i^mvii^c and sixteen years; and was baptized by the foresaid Mr M^cKay, minister of Jedburgh; and dyed the 23d of October y^e year following.

His second daughter, Jean, was born upon the twenty-sixth day of August, i^mvii^c and eighteen; and was baptized by the said Mr M^cKay.

His second son, Simeon, was born upon the fifth day of May, i^mvii^c and twenty; and baptized by the foresaid Mr M^cKay.

His thrid daughter, Margret, was born upon the twenty-eight of February, i^mvii^c and twenty-two years; and baptized by the foresaid Mr M^cKay.

His fourth daughter, Christian, was born upon the tenth day of February, i^mvii^c and twenty-four years; and baptized by the foresaid Mr M^cKay.

My brother John Haliburton, Doctor of Medicine at Jedburgh, and present Provest in the town, skilfull in his employ, of ane fine naturall temper, much master of all passions, oblidging to all ranks, circumspect and devout in his life and conversation, dyed at Edinburgh upon the 20 day of Aprile, 1736, and was decently buried there upon the 22 of said moneth ; regretted by all that knew him, and particularly by all his friends, and the town of Jedburgh, wherein he discharged that office most faithfully to the contentment of all persons, having had a good judgment, and exact in all business.

His eldest son, John Haliburton, merchant in Edinburgh, a promising young man, dyed at Edinburgh upon the 3d of August, 1747, much regretted by his friends and all that knew him ; and succeeded by his brother, Simeon, who, with his other friends, buried him upon the 5th of August in the Greyfriers church-yard beside his father.

My second brother, Andrew Haliburton, Writer to the Signet, dyed upon Munday at four in the afternoon, being the twenty day of February, 1738, at his house in Edinburgh, and was interred there upon the 22 of the said moneth ; and as his character was unblameable, he was much regretted by all his acquaintance as weell as friends in the place.

My thrid brother, William Haliburton, dyed upon Friday the sixth of February, i^mvii^c and forty-seven years, and was interred upon the eight day, at Edinburgh, in the Grayfriers ; was married to ane widow in his old days, and had no children ; long troubled with ane palsie ; was bred ane merchant.

My sister Mary was married to Gideon Elliott, third son to Simeon Elliott of Swinside, who gave him the lands of Hardwood and Sclatehills, upon the twenty-ninth day of Aprile, i^mvii^e and fifteen, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my sister Mary upon Sabath morning the 19 of January, i^mvii^e and thirty-five years, at Haddon; and her corps carried to Hawik, and interred in the church there, with her six children; and left two tender girls behind her; much regretted by her friends and neighbours, and enjoyed a fair character.

It pleased God to remove my sister, Barbara Haliburton, upon the twenty-thrid day of August, in the morning, and was interred at Fairnington upon the 26, in the 82 year of her age; a virtuous woman, and did much for that family, none excelling her in good management, both within and without doors; and weell attended upon by her son David, who came home from Jamaica during her trouble, whom God will reward.

George Rutherford, younger of Fairnington, my nephew, was born upon the fifth of December, i^mvi^e and ninety-one years, and was baptized by Mr John Dalglis, minister of Roxburgh, at Fairnington; who proved a plague to his own family, by quarelling his brother-in-law Muirhouslaw, whose blood was spilt at last, and next upon his father and my family for not countenancing his conduct.

Thomas Haliburton of Morehouselaw was born upon the twenty-seventh of January, i^mvi^e and ninety-two years; and

was baptized by Mr Robert Wilsoun, minister of Melros, at Melros, upon the twelth of February the said year; and was married to Elizabeth Rutherford, second daughter to Fairnington, upon the tenth of December, i^mvii^e and eight years. And after the said Thomas his death, she married Baillie George Haliburton, third son to Patrick Haliburton, Dean of Gild at Edinburgh, who was brother to John Haliburton of Murehouslaw; wishing she may prove kind to the family.

Robert Pringle of Clifton, our cousin, being some years a widow, having had severall children by his lady, sons and daughters abundantly promissing, having got that estate by their mother Janet Pringle, heiress of the same,—when upwards of fifty, married Margret Rutherford, my niece, eldest daughter to Fairnington, which was not agreeable to his children and his other near relations, nor to me or any of my family, who had no hand in it, they being married clandestinely to the surprise of his children.

Elizabeth Haliburton, eldest daughter to my brother Andrew Haliburton, was married to John Robertson, merchant in Edinburgh, son to William Robertson, merchant there, last day of December, i^mvii^e and twenty-two years, by Mr William Mitchel, minister of the New Church at Edinburgh.

Her eldest son, William, was born upon Munday the 23d day of September, 1723 years.

Her daughter Marion was born upon the 29 of September, 1724 years.

Her daughter Agnes was born September 16, 1725 years.

Her son Andrew was born the 13 day of June, 1727 years.

My second daughter, Barbara, was maried to Robert Scot, second son to Walter Scot, uncle to Raeburn, upon the sixteen day of July, 1728 years, at my house in Dryburgh, by Mr James Innes, minister at Mertoun, their mothers being coussings; may the blessing of the Lord rest upon them, and make them comforts to each other, and to all their relations.

Their son Walter was born upon the 11 of May, being Sabbath, about six in the morning, and was baptized at their house in Sandyknow, by Mr William Walker, minister of Makerstoun, upon the 17 of the foresaid moneth, both his grandfathers being witnesses, with his unckells (father's brethren), 1729 years.

Their second son, Thomas, was born upon the 7th of January, twixt three and four in the morning, and was baptized at their house in Sandyknow, by Mr James Innes, minister of Mertoun, upon the ninth day of the foresaid moneth, being Saturday, his two uncles and I being witnesses, in the year 1731.

Their eldest daughter, Janet, was born upon Munday the 14 of May, twixt seven and eight at night, and was baptized at their house in Sandyknow, by Mr James Innes, minister of Mertoun, upon the twenty-second day of the foresaid moneth, being Tuesday; Makairston, Harden, Rae-burn, and his brother Walter, and I, being witnesses, in the year i^mvii^c and thirty-three.

Their second daughter, Mary, was born upon Thursday the thirteen day of March, in the afternoon, and was baptized upon Teusday the eighteen, at Sandyknow, by Mr James Innes, minister of Mertoun; Raeburn, Walter Scot in Bailie-know, his brother William, and I, being witnesses, in the year i^mvii^c and thirty-five.

Their thrid daughter, Jean, was born upon Saturday the eleventh of June, i^mvii^c and thirty-seven years, and baptized upon Teusday the twenty-first, at Sandyknow, by Mr James Cuninghame, minister of Smailhome, before these witnesses, Raeburn, his brothers Walter and William Scots, and I, year foresaid ; she being born in the morning.

Their thrid son, Robert, was born upon Sabath, about half ane hour after two in the morning, being the 20 of May, i^mvii^c and thirty-nine years, and baptized upon Thursday thereafter, being the 24, at Sandyknow, by Mr James Cuninghame, minister of Smailhome, before these witnesses, Raeburn, and Mr Scott, his two brothers Walter and William Scots, and I, year foresaid.

Their fourth daughter, Barbara, was born upon Munday the thrid of May, i^mvii^c and forty-two years, about six in the evening; and was baptized upon Saturday the eight, at Sandyknow, by Mr John Thorburn, minister at Kirknewton, before these witnesses, Raeburn, Walter and William Scots his two brothers, and I, year foresaid.

Their fourth son, John, was born upon Saturday the second of September, i^mvii^c and forty-nine years; and was baptized at Sandyknow upon Saturday the ninth day, by Mr Duncan, minister at Smailhome.

My wife's brother, John Coutts, merchant in Edinburgh, was maryed to Mrs Jean Stewart, second daughter to Sir John Stewart of Allanbank, upon the tenth day of Aprile, i^mvii^c and thirty years.

His eldest son, Patrick Coutts, was born upon the fifth day of Aprile, i^mvii^c and thirty-one years; and was baptized the next day by Mr John Goudie, one of the ministers of Edinburgh.

His second son, John Coutts, was born the twenty-fourth day of February, i^mvii^c and thirty-two years; and was baptized the same day by Mr John Goudie, one of the ministers of Edinburgh.

His thrid son, James Coutts, was born upon Saturday the tenth day of March, i^mvii^c and thirty-three years; and was baptized by the foresaid Mr Goudie the same day.

His eldest daughter, Margret, and fourth child, was born upon Saturday the twenty-first of September, i^mvii^c and thirty-four years; and was baptized by Mr Smith, Principall of the Colledge of Edinburgh.

His fourth son, and fifth child, was born early upon Sabbath morning, being the 7th of September, i^mvii^c and thirty-five years, named Thomas; and was baptized by Mr Smith, Principall of the Colledge of Edinburgh.

His fifth son was born upon the eighteen day of November, i^mvii^c and thirty-six years; whereof his mother dyed in a short time after, much regretted by friends and of all that knew her. The child lived, and was baptized after his mother's deathe by Mr Gullon, ane countrey minister, and called Stewart Coutts, who dyed in a short time after his mother.

SIMEON HALIBURTON of Howclough, my nephew, was maryed to Elizabeth Elliot, second daughter to Robert Elliot of Midlmiln, upon the nineteenth day of May, i^mvii^c and forty-nine years. He was ordained minister at Casselltoun in Lidissdale, upon the twenty-thrid day of January, i^mvii^c and fifty-one years.

Mr Simon his spouse was safely delivered of ane daughter at Castleton, upon the 14 day of November, 1752, about two

of the clock in the morning, and baptized Kathrine, thereafter.

[The three following entries in a different hand.]

His eldest son, John, was born on the 17th day of September, 1754, about 8 in the morning, and baptized by Mr Petrie at Canobie.

His second son was born on the 8th of February, 1757, and was baptized Robert.

His third son was born on the 22d November, 1759, and called Thomas; who dyed on the 27th July, 1765, and interred at Ashkirk.

FAMILIES OF THE NAME OF HALIBURTON.

[These genealogical notices concerning the families of the name of Haliburton, are published from a manuscript of the late Mr Walter Scott, Writer to the Signet, representative of the family of Newmains and Mertoun, in right of his mother, Barbara Haliburton. It appears to have been drawn up in answer to the inquiries of Mr William Haliburton of Halifax, Nova Scotia, who claimed a descent from the Haliburtons of Hadden. The manuscript is the scroll of a letter addressed to Mr Brown of Melrose, and is dated 8th May 1792. It mentions all the gentlemen of the name who were alive at that period, so far as was known to the writer, and is therefore interesting to those connected with this ancient surname. Some minute details are omitted.]

1. ALEXANDER Lord HALIBURTON—DIRLETON—PITCURR.

Pitcurr, who died about 1742 or 3, left one son and three daughters.

1. Coll. James Haliburton.

One daughter, Lady Morton.

One ditto, [married] Dr Douglass.

One ditto, [married] Mr Wedderburn, Gosford.

The two last [had] no children.

Lady Morton left issue two sons and one daughter, Lady Aboyne, whose son now inherits the estate of Pitcurr.

THOMAS HALIBURTON OF NEWMAINS. Had three brothers.

1. John, a physician in Jedburgh, who had several children, all now dead, except Mr Simon, minister at Askirk, and a sister, Margaret. Mr Simon has a son in the service of the East India Company.*

2. Mr Andrew left one daughter and several sons, all now dead. Gavin Haliburton, in Jamaica, was the last of his sons; left no issue.

3. William, Andrew's brother, was married, but left no issue.

Mary, his [Thomas of Newmains's] eldest sister, married to Gideon Elliot of Harwood; she died in 1735; left issue two daughters, Christian and Elizabeth. The last still alive, married to Dr Isaac Davidson, minister at Sorbie, has issue one son, a clergyman, Elliot Davidson.

Elizabeth, married to Mr Andrew Oliver; she and her husband, about 1735, went to Boston, in New England; both died many years ago without issue.

INCHDARNEY, IN EAST LOTHIAN. A female succeeded; married to Peter Lindsay; issue three daughters. The eldest married Alexander Lord Blantyre. Of this family, James Haliburton, Writer to the Signet, was descended; he is now dead; has left one son, Andrew, who follows his father's profession, and one daughter. Andrew never married.

HALIBURTON OF MUIRHOUSELAW. Two sons living, John and David.†

* This gentleman died without issue.

† David Haliburton of Muirhouselaw, the representative of that ancient family, survives—Unmarried.

THOMAS HALIBURTON, son to Provost Haliburton in St Eustacia, has two sisters alive.

HALIBURTON IN HADDEN.

James taught a school in Maxwellheugh, near Kelso, about 1740, had a sister Janet married to Andrew Davidson, brother to John Davidson of Kirkraw. Andrew farmed the lands of Spylaw, near Kelso; had a son by the said Janet, [namely,]

Thomas Davidson, surgeon in Kelso, who married — Scott, daughter to John Scott of Belford. Thomas Davidson succeeded to the estate of Kirkraw, which he sold to the Duke of Roxburgh; died in the year 17—, leaving issue a daughter, Mrs Brown, relict of Coll. Brown of Blackburn.

Mr HALIBURTON, a clergyman at Dundee, eminent for his learning and piety; left issue several daughters.

Mr Wishart, Principall of the University of Edinburgh, married to one of these; the rest died unmarried.

John Haliburton, Provost of Dundee.

Mark Haliburton, farmer at Woolmill, a large family.

Robert Gillespie, Clearburn.*

Robert Haliburton, Prestonpans.

Issue living one son, Campbell Haliburton, late in Canada.†

Patrick Haliburton, a farmer in East Lothian, near to Haddington, a respectable family, and has several sons doing well.

Wm. Elliot, Laceman, proprietor of Hadden, his daughter married the late Sir Gilbert Elliot of Stobs, father to Lord

* Died unmarried.

† Died without issue.

Heathfield ; the lands of Hadden acquired from the Murrays of Newton.

The Rev. Mr Simon Haliburton was the second son of Dr John Haliburton, physician in Kelso, was bred a clergyman ; his elder brother, John, was a merchant in Edinburgh; he died in the leaving his affairs in disorder. Simon succeeded to his brother, died upon the ; he married Elizabeth Elliot, second daughter of —— Elliot of Medium Mill, of which marriage there was issue two sons, and died young. John, the eldest, is alive, and a captain in the service of the East India Company.* The said Mr Simon, as has been said, was bred a clergyman, and soon after his marriage he was ordained minister of Castletoun, in the presbytery of Langholm, upon the . This proved but an uncomfortable settlement ; the people were unreasonable, and did everything in their power to render Mr Simon's life uneasy. Mr Haliburton was relieved from that charge, being translated upon the day of to Askirk, in the presbytery of Selkirk, and he died at Askirk Manse upon Thursday, 28th April 1797.

I might here add some account of the different families of the name of Haliburton, who at an early period existed in this country, and at that time seem to have been both numerous and opulent. Berwickshire seems to be the first place where we find any of them, which probably might be

* This gentleman died in India without issue, as formerly mentioned, and was the last existing male of the family of Newmains and Mertoun.

owing to their attachment to the powerful family of the Douglasses. They extended themselves from thence to East Lothian, Roxburghshire, and the county of Angus, or the Mearns, and seem to have been both powerful and wealthy. But what would it avail your correspondent to get a catalogue of names, or of the honours they possessed, the offices of trust they held, with the gallant actions they performed! These men, however considerable, and however much respected while living, are now dead and gone, and their families extinct. The very name of Haliburton is now a rarity here, and except John Haliburton of Muirhouselaw, there is not one of that name in Scotland, who is proprietor of a single acre of land. Pitcurr, the chief of the family, is no longer Haliburton, as, through a female succession, that estate has now descended to the second son of Lord Aboyne, who, to his own name Gordon, has added Haliburton; and the estate of Eaglescarnie, in East Lothian, is in the same state, being now in the possession of Mr Lindsay. There were several families in the shire of Angus, in the neighbourhood of Dundee, of the name of Haliburton, but these are all gone, and their properties sold and in the hands of others, and John Haliburton, late Provost of Dundee, is the only one of these who remains. The same is the case with the families of Newmains, in Berwickshire, in the south. Of that family, Mr Simon Haliburton, a clergyman, who has one son, a captain in the East India Company's service, [saving whom] not one of the male line exists. To enter minutely into the histories of these families, would be a great waste of time, and could draw to no beneficial conclusion.

But as Mr Haliburton seems to have been at considerable pains in his inquiries, and may wish to know something in

general respecting that tribe to which he belongs, I take the liberty to subjoin the following remarks.

In Berwickshire, and not far from the town of Greenlaw, there are two farms, the one of them called the Meikle (large), and the other the Little Haliburton. These lands seem to have been the earliest possessions which the Haliburtons had, and whether these lands gave rise to the surname of Haliburton, or that the Haliburtons, after acquiring them, affixed that name, is not a clear point. It is, however, a known fact, that the Haliburtons long remained the proprietors of these lands, which now are the property of the Earl of Marchmont; and it is a very probable conjecture, that your correspondent may be descended from some of these people, who, upon the loss of their possessions, might advance nearer to the borders of the kingdom, a situation which, in former times, had its peculiar advantages, and thus it may have happened that Mr Haliburton's grandfather, or rather some of his predecessors, may have resorted to Hadden.

I may also remark, that the hostile spirit which prevailed amongst the Borderers upon the opposite sides, was the source of constant feuds, and cause of frequent inroads and depredations upon each other; while, at the same time, the laws which then subsisted with respect to commerce carried on betwixt the two countries, afforded good opportunities to the Scotch, and which they did not fail to improve, of carrying on a very beneficial, though a contraband, trade with their neighbours.

To all this the Union put an entire stop, and the natives of both kingdoms being thereby incorporated and subjected to the same laws, with respect to government and police, the unlawful advantages which they formerly reaped from their

particular situation, all vanished at once. They felt the change of situation, and regretted it. They were strangers to arts, and but little acquainted with agriculture; of course, many of the people not being able to find subsistence, left the country: And being, I may almost say, the only district of country which felt any inconvenience from the Union, so they were the last to forget their prejudice against it.* The country they possessed upon the east was well adapted for cultivation; yet, till about 1745, little or nothing was done in that way. Since that period, indeed, there has been a wonderful change; that country is greatly improved, and well it has returned for the expense bestowed; for I myself know lands, not far distant from Hadden, which, in my remembrance, rose from £200 per annum, to a well paid rent of £1100 from a thriving tenantry.

From these circumstances Mr Haliburton may see how a predecessor of his, about 100 years ago, might lose his life, and how another might be stript of his possessions, and reduced to want; the situation of the Borders was such, that men's lives and properties were in danger, and law, as then administered, was but a feeble protector, especially where there was a powerful persecutor; for all that period a set of officers, called Wardens of the Marches, had the oversight of the marches, and were the judges in all controversies. The office was of a mixed nature, partly civil and partly military, and those who held it were not the most chaste judges, and therefore it might very probably happen that Mr Haliburton's

* The writer of this letter used often to mention, that, in his youth, there was a popular preacher on the Border, who used to confess that he never could conclude a sermon without introducing what he termed a "blad at the Union."

predecessor who was in Hadden, might be forced from thence, and stript of his all by some very unjustifiable measure.

[The remainder of the letter regards matter of a merely private nature.]

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